S. Hrg. 101-247, Pt. 4A

REPORT OF THE SENATE IMPEACHMENT TRIAL COMMITTEE ON THE ARTICLES AGAINST JUDGE WALTER L. NIXON, JR.

HEARINGS

BEFORE THE

SENATE IMPEACHMENT TRIAL COMMITTEE

UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

THE ARTICLES OF IMPEACHMENT AGAINST JUDGE WALTER L. NIXON, JR., A JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, FOR HIGH CRIMES AND MISDEMEANORS

PRIOR RECORD ADMITTED INTO EVIDENCE:
U.S.A. v. *WALTER L. NIXON, JR.*
CRIMINAL ACTION NO. H85-00012 (L)

Part 4A of 4 Parts

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101st Congress
1st Session

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JUDGE WALTER L. NIXON, JR., IMPEACHMENT INQUIRY TRANSCRIPT OF PROCEEDINGS U.S.A. v. WALTER L. NIXON, JR.

CRIMINAL ACTION NO. H85-00012(L)

(Part 2)

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JUDGE WALTER L. NIXON, JR., IMPEACHMENT INQUIRY TRANSCRIPT OF PROCEEDINGS, U.S.A. v. WALTER L. NIXON, JR., CRIMINAL ACTION NO. (H85-00012(L) (Part 2)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

UNITED STATES OF AMERICA

V. CRIMINAL ACTION NO. H85-00012(L)

WALTER L. NIXON, JR.

BEFORE: The Honorable James Meredith
Senior United States District Judge

DATE: February 4, 1986

PLACE: Hattiesburg, Mississippi

VOLUME 12

DAVID A. SCOTT
COLLEEN O'CONNOR
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COURT REPORTERS
Post Office Box 2202
Jackson, Mississippi 39225-2202

THE COURT: Proceed.

MR. FAWER: Call Jack Weldy to the stand, please.

JACK B. WELDY,

being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

MR. FAWER:

Q. Please state your full name.

A. Jack B. Weldy.

Q. Where do you live?

A. Hattiesburg.

Q. And how long have you lived here?

A. All my life except years in the military and law school.

Q. Where did you go to law school?

A. Tulane, University, New Orleans.

Q. You graduated when?

A. 61.

Q. Did there come a time, Mr. Weldy, when you became a judge of the circuit court of Forrest County?

A. Yes, I was elected.

Q. What period of time?

A. I was elected took office January the 1st, 1975, served until December the 31st, 1982.

Q. December 82, excuse me. Okay. And I take it during that period of time at least or in the last several years of your acting as a judge, Bud Holmes was the district attorney; is

that correct?
A. Yes. He was the last of 5 district attorneys that served during my tenure.
Q. By the way, the gentleman sitting here do you know this gentleman?
A. Know Judge Nixon, yes.
Q. How long have you known him?
A. Oh, since prior to his judgeship and my judgeship.
Q. Known each other professionally in the sense you were both lawyers?
A. That's correct.
Q. And both judges?
A. Yes.
Q. Tell the jury first of all in terms of your operating is Forrest County in part of the state court system; is that right?
A. That's correct.
Q. Judge Nixon was a federal judge?
A. That's correct.
Q. Is there any connection between the two? Are the two entirely separate judicial systems?
A. Totally separate.
Q. They have nothing to do with one another?
A. That's correct.
Q. They physically happen to be in both Mississippi?

A. That's correct.

Q. Sir, tell us in the period of time directing your attention to December of 1982, let me ask you a question first. I take it in your role as judge you try cases, correct?

A. That's correct.

Q. In addition, there are as in any civil cases criminal cases are there motions that are made by defendants, by plaintiffs, I mean the Government at times?

A. Certainly.

Q. And are orders then entered by you which are usually prepared by one or the other party in the case?

A. That's correct.

Q. And how if a district attorney's going to make a motion that he wants to file, what are the proceedings? What happens? How does it get to you?

A. The motion may either be in writing or it may be oral.

Q. Let's talk about written motions.

A. Okay. A written motion would be filed in the clerk's office and then a hearing time would be set agreeable with counsel and with the court.

Q. Let me ask you this. Let me show you an order that was entered by you on December signed by you December 23rd of 1982 and it was filed December 27th. It's been introduced in this record as Government's Exhibit 4. It was an order passing the case of State V. Drew Fairchild to the files, okay. Why don't

I just show it to you. I take it it is an order that you signed am I correct?

A. Yes, it bears my signature.

Q. Tell us what you recall if anything about that coming over to you, is there anything extraordinary about that order that it come over?

A. I wouldn't say extraordinary. This is an order which passes the case to a file. This is one or the options available to a trial judge when the motion is made or it's an option available when counsel requests as was done in this case.

Q. Counsel apparently was the district attorney in that case; is that right?

A. Yes. This is a state case.

Q. Who would prepare the order?

A. It would have most likely been someone in the district attorneys office. I didn't prepare it.

Q. That's my point. Brought over to you with a request for your signature, correct?

A. That's correct.

Q. Would you have read it before signing it?

A. Certainly.

Q. And you saw what was said in there, correct?

A. That's correct.

Q. At the time Drew Fairchild it's a fact is it not that Drew

Fairchild was then had already pled and was awaiting sentence, correct? And if you need to refer to the document itself feel free to.

A. Yes.

Q. And --

A. He entered a plea.

Q. And they were awaiting his testimony waiting for him to testify before a fugitive defendant at the time; is that an accurate statement?

A. Yes, according to the order.

Q. Aside from this instance have you -- are you familiar with an order or a situation or the instances of passing cases to the file?

A. Yes.

Q. Does that dismiss the case or does it simply put it in limbo or inactive? How would you describe it?

A. It takes a case off the active docket.

Q. What is a docket?

A. The docket is the listing of the cases individually that are pending awaiting trial action by the court. And this case would have been like any other case. It was awaiting action of the court.

Q. This case being the Fairchild case?

A. That's correct.

Q. Go ahead. And it was up until that point appearing on this listing you described, right?

A. That's correct.

Q. By passing it to the files, what happens?

A. It takes the case off of the active docket for lack of a better description.

Q. Does it in any way dismiss the case?

A. Oh, no. It's not a final order. It is not an order with prejudice as was done in this case I believe it could be removed from the file and prosecuted at a later time.

Q. This order would have been one of the last orders that you filed or signed before you left office, correct?

A. I left in December. So I would assume it was among those last ones, yes by the date.

Q. So the jury understands your leaving office and the fact that you signed this order had no connection with one another; am I correct?

A. I beg your pardon?

Q. It's purely coincidence that you left office a few days after you signed this order? Your leaving office and your willingness or fact that you signed it has no connection with one another?

A. Oh, no, no.

Q. You read the order, you see the reasons, okay am I right, and you sign it, right?

A. Yes.

Q. Did you have any reason not to sign it?

A. No. My experience with district attorneys is that they represent the State of Mississippi and when they file a motion and the other side doesn't oppose it, I normally will sustain their request.

Q. Were you satisfied in this case there was no opposition from the other side?

A. That's correct.

Q. And so you just is it fair to say this is a matter I won't say routine but you just signed it, read it, saw no opposition and signed it?

A. That's correct.

Q. When you signed that document, did you in any way view your actions as dismissing the case?

A. Certainly not.

Q. Did you anyway view your passing it to the files by that order as ending the need for sentencing Drew Fairchild?

A. No, not at all.

Q. In the sense of aside from removing it from the list and the incovenience of calling it back up again and again on the calendar, did this have any meaning, any impact with respect to the fate of Drew Fairchild?

A. From the legal standpoint, no.

Q. With respect to any other standpoint?

A. Not that I can think of.

MR. FAWER: Just indulge me one moment.

(Pause).

MR. FAWER:

Q. Just one other area. I take it if the same document had been put before you at an earlier date the same reasons you would have equally unhesitatingly signed the document let's say in May of 1982?

A. I assume that I would. I can't recall anything that would have caused me not to sustain such a motion.

Q. And the same would be true from May right through when you had this order. You have no reason to know why you wouldn't have acted the same way correct?

A. Not that I can recall.

MR. FAWER: Thank you. No other questions. Your witness.

CROSS EXAMINATION

MR. WEINGARTEN:

Q. Mr. Weldy, good afternoon. In the great majority of instances when cases are passed to files in Forrest County court, does that mean that they are -- do they ever see the light of day again? Let me put it that way.

A. In my limited experience I can think of maybe one instance. But --

Q. One in circumstance when a case that was passed to the files came back?

A. I think so. Now insofar as circuit's concerned. In some of the other courts it's a more frequent thing.

Q. But in Forrest County it's your testimony that you can remember one other instance when a case was passed to files and then came back?

A. As I say, I wouldn't give you a name, but I think that there have been instances where they have been brought back for disposition.

Q. Do you know any other instance when a case was passed to the files after a guilty plea?

A. No, I think Mr. McCain's case ended in a mistrial and that was passed to the file.

Q. So this would be the only one that was passed to files after a guilty plea that you know of?

A. As far as I can recall right now, yes.

Q. And of all the other cases that were passed to files that you know of only one other instance did a case come back to the file -- back from the file?

A. Best of my recollection.

Q. Did you make any independent effort to determine whether or not the facts alleged by the district attorney's office in this order were correct?

A. No independent investigation, no, sir.

Q. Did you make any inquiry of representatives of the district attorney's office to find out whether or not the facts alleged were true?

A. No. Of course the docket on this case would have reflected all prior activity and there may have been some prior activity that indicated some of the problems the state was having.

Q. All right. As you sit here do you recall that?

A. No, I don't.

Q. The district attorney in his writing makes reference to the right or -- the defendant's right to a speedy trial as a justification for preparing this order. Is it not fair to say that at that time Drew Fairchild had already pled guilty?

A. He had pled guilty at this time.

Q. So was there any relevance whatever to representations about the defendant's right to a speedy trial?

A. I wouldn't think so.

Q. Sentencing within a reasonable time is also mentioned as a reason to justify this. There's a rule in Mississippi that a defendant must be sentenced within a reasonable time, is there not?

A. Yes, but as far as it being in so many days I'm not aware of it.

Q. Passed a case to files, in your view would that in any way, shape or form toll a defendant's right to a speedy sentence?

A. I can't think of it ever being raised before and I can't think of any reason why it would.

Q. Is it fair to say that the district attorney threw a lot of make weight in this order so as to persuade you to sign it?

A. I don't understand.

Q. Are those legal justifications that I just asked you about justifications that carry any weight at all?

A. I can't think of an instance, you know, where it has in the past and I just by speculation I couldn't say that it would.

Q. All right. Did you handle the Drew Fairchild case? I guess you were the only judge in Forrest County so the case came to court, you handled it, is that correct?

A. It was among those cases on the docket of the court that I served.

Q. Do you recall prior to the order passing it to files that the case came up frequently on continuances?

A. Seems like it was continued from time to time.

Q. And do you recall that this case from its inception in state court of Forrest County generated a great deal of publicity?

A. I don't know what you mean by great deal. It generated publicity because of the name Fairchild.

Q. Would the publicity have come in the form of TV reports that would surround court proceedings?

A. I really don't recall the amount, but I'm sure it did.

Q. Okay.

A. You know, produce something for the media to write about.

Q. Do you recall anything unusual or any delay in the reportage of the order passing the case to files?

A. No, sir.

MR. WEINGARTEN: Okay. Thank you.

REDIRECT EXAMINATION

BY MR. FAWER:

Q. One thing, Your Honor. Mr. Welay, let me understand something. The reasons that were given were written in English, they were there for you to read, am I correct?

A. Oh, yes.

Q. He only mentioned the speedy trial. Can I borrow that copy?

MR. WEINGARTEN: That's the only copy I have.

BY MR. FAWER:

Q. As I recall there is some comment about the need for sentencing within a reasonable period of time. As I understand it, all of the -- of these reasons were set forth on there for your review, correct?

A. That's correct.

Q. Have you on occasion refused to sign orders you didn't think were appropriate?

A. Rarely.

Q. You say rarely?

A. Let me make sure I understand your question.

Q. If someone asked you to sign an order and you didn't think it was appropriate or justified, would you still sign the order?

A. Oh, no. I misunderstood your question. No.

Q. If there was any reason why you thought this was inappropriate you would not have signed the order?

A. That's correct.

MR. FAWER: I have no other questions, thank you. Judge McKenzie, please.

THE WITNESS: May I make an inquiry? Will I be finally excused?

MR. FAWER: Yes.

THE COURT: Yes.

RICHARD W. "DICKIE" MCKENZIE,

being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. FAWER:

Q. Would you state your name?

A. Richard W. Dickie McKenzie.

Q. How old are you?

A. 40.

Q. And you are currently a judge of Forrest County circuit court?

A. That is correct.

Q. How long have you been a judge?

A. Three, a little over three years in the circuit court, four years in the county court before that, so a little over seven years.

Q. When did you, you replaced Jack Weldy, is that right?

A. That is correct.

Q. That would have been December, January 1st of 83?

A. I was actually sworn in January 3rd of 83.

Q. Okay. And prior to that time you were practicing attorney or a judge?

A. Prior to being circuit judge for four years I was a county judge for four years. Prior to that time I practiced, yes.

Q. You know Bill Porter, knew Bill Porter?

A. Yes, I did.

Q. Were you and he friends?

A. Yes.

Q. Okay. In 19, wait, let me ask you this. When you took office in 1983, had you had some experience in doing criminal work in the state court?

A. Are you speaking as an attorney or as a judge in the county court?

Q. As an attorney?

A. As an attorney and also as county judge, yes.

Q. Fine. You were perfectly familiar with plea agreements, the process by which plea agreements are entered into between district attorneys and defendants?

A. Yes.

Q. From your perspective, is a judge bound by a plea agreement made between a district attorney and a defendant or his attorney?

A. To some extent as I perceive the case law to be yes, but are you speaking in this particular case or just generally?

Q. I'm talking generally, when you took office in January of 83?

A. Yes, sir, I would think generally, well, let me clarify. As I perceive the law in this state to be, a judge is bound by two things, either by the plea bargaining situation, or to set it aside if the defendant entered a plea and the judge is not going to honor the plea bargain situation, set it aside and allow him a trial.

Q. I understand. The latter instance indicates to me, you correct me if I'm wrong, that it means you are not obligated to go through with the plea, you can say I will not abide -- Let me finish.

A. I'm sorry.

Q. You are free to say I do not think that plea, that should be the plea in this case or should be the sentence, I will not abide by it, void it, you have obviously a right to trial?

A. Absolutely.

Q. That was your position when you took office in January of 83?

A. That has always been my position. It's my position now.

Q. Okay. Fine. When you took office I take it January 3 would have virtually have been, that would have been two days after the new year?

A. Yes.

Q. First day you were on the bench?

A. True.

Q. Had you had any familiarity with Fairchild?

A. Beg pardon?

Q. Had you had any familiarity?

A. Only through the media.

Q. Did you know that just a few days before New Year's, latter part of December, December 23 through December 27, order had been entered by Jack Weldy passing the case to files, on the DA's motion?

A. On the date I took office? Not on the day I took office, no, sir.

Q. How did you learn it?

A. Through the media.

Q. This when you saw through the --

A. Television, radio, newspaper.

Q. They reported it?

A. It's my recollection, I stand to be corrected, but I think they did.

Q. Okay. May have been reported I think a day or two later, that's your source of information?

A. Right.

Q. Thereafter in the same month -- as a result of learning about that, did you go look at the file or anything like that?

A. I reviewed the order passing to it the files, yes, sir.

Q. After that, was a second order then put before you or a motion and request for an order bringing it back from the files?

A. I'm trying to decide from what sequence, I have the file here before me, I would hate to belabor the courts time. I can go through the file and give you an exact date, I will tell you a conversation that I had, I hate to preface all this, let me go back and tell you the scenario as I see it. Mr. Watkins until that time had been a fugitive, was in fact a fugitive. When it came to my attention that he had been captured, I indicated to Mr. Paul H. Bud Holmes, the then district attorney, that motion needed to be filed to reinstate the case to the active docket. According to my notes that was done on January 26 of 83.

Q. That's fine, except let me see if we can refresh your recollection. He had been apprehended on October 28th, before you were judge, over in Florida, okay. The problem was one of extradition.

A. It was my understanding, this is strictly based on media coverage. It was my understanding that he had been arrested I thought either in Texas or Florida, made a fugitive warrant. When he appeared before me on arraignment, I was of a misconception that he had jumped bond at one time. I was told no, he had been hospitalized for kidney failure or something.

Q. So we understand each other, on January 26th Watkins, whatever his status was before that --

A. Right.

Q. Was before you. He appeared before you on January 26?

A. Let me look. I'm not sure I know that's the dates we -- I was speaking of Fairchild's case. But let me look. Yes, sir, there is an arraignment dated the 26th day of January of 1983, that is correct. That would have been simultaneous also the same date that the order reinstating Mr. Fairchild's case.

Q. Okay. And so in fact the basis for the bringing or reinstating the Fairchild case, bringing it back, was that the fugitive was no longer a fugitive?

A. That's correct.

Q. He was there available for trial?

A. Right.

Q. And that -- let me show you Defendant's Exhibit 7, I know you have a copy of the in the file, there is the motion, and I take it your order returned it to active status, right?

A. That is correct.

Q. Okay. And you signed that order?

A. Yes, sir.

Q. And set the case, at least the Watkins case I take it for trial, recognizing that the Fairchild matter, Fairchild was expected to be a witness against him?

A. Well, now talking about two different things. This order is on Fairchild, it sets it for disposition in my own handwriting, which was added to what I perceived to be an already prepared order submitted to me, I have comma, for disposition in the May 1983 term or a subsequent term of this court. Now, as far as the trial setting for Watkins, there are various motions. Let me look here and see.

Q. Just so you understand --

A. Okay, here we show on Watkins, on the 11th day of April, a time for deadline or motions and later for trial setting, but this order that I looked at that is exhibit you tendered to me deals with Fairchild, not Watkins.

Q. Just so we can cut through it all --

A. Okay, suits me.

Q. Watkins is arraigned on the same day that the Fairchild case is brought off the inactive file?

A. That's correct.

Q. Watkins, there is then a series of motions before trial culminating in a trial that's set the end of the year, correct, in another district because of the venue motion?

A. I would have to look. If you tell me that I will not argue.

Q. Save your time.

A. Okay.

Q. The case of Fairchild you continued for disposition until, what was it, the May term?

A. May 1983 term or subsequent term of court.

Q. As a practical matter by the end of that year he had still not been sentenced?

A. That is correct, it was on motions of his attorney for continuance.

Q. Motions of the attorney or --

A. Or --

Q. Or the DA joined in?

A. Right.

Q. Against that backdrop, let's just understand. You had seen the passing or the case to the files orders signed by Judge Weldy?

A. Right.

Q. You saw the basis of that, you said you heard about it from the newspaper, assume you saw that as the document, preceding document in the file, the last document before you took over as judge?

A. That is correct.

Q. You now saw that the condition or the reason for continuing, for passing it to the file no longer existed because Watkins was back, is that correct?

A. That's correct.

Q. You brought it back, thought nothing of doing so, correct?

A. That's fine.

Q. You viewed that as perfectly proper?

A. I viewed that to be the logical procedure, yes, sir.

Q. And let me ask you this. Had you been familiar with the system or the process of passing a case to the file, other than this?

A. I think probably that is a misnomer that is used within the system. There is one thing to nolle pros something, and something again, another hybrid situation to pass to the files. As I perceive passing to the files is not a nolle pros, I think passing to the files --

Q. They don't under nolle pros, just so we understand, nolle pros is dismissing a case?

A. That is correct. I would assume that under the situation of passing to the files that actually it remains an active case to be brought back at some later point in time. That's how I perceive the procedure to be.

Q. Is that how you perceived it in this case?

A. Yes.

Q. Simply a matter of convenience until the fugitive is caught.

A. Under the order, yes, sir.

Q. During the next year, you can look at your file if you like, the sentencing of Fairchild was continued due to the trial of Watkins being delayed somewhat, do you recall that?

A. We're talking about two different times. At one point in time he filed a motion to withdraw the guilty plea.

Q. Listen to my time frame.

A. Okay.

Q. That occurs on March 8, 1984. I'm talking about 83. All you have in 83 are a series of continuances, correct?

A. I believe that's correct.

Q. Tell the jury why. Why are they continuing his sentencing?

A. Let me just go through and look, because I --

Q. Sure.

A. All right, on January 26, the day it was placed back on the active docket, there is an order for continuance dated January 24th of 1984.

Q. That's the next year?

A. That is correct.

Q. Obviously if it's being continued in January of 84, we began by continuing it in January of 83, it was continued throughout that period in some way, correct?

A. I would assume so, although I do not see the documentation in the file. That's not to say there was not a reason for doing it, I'm just saying the court can only speak through its record.

Q. So far as you're concerned, nothing out of the ordinary?

A. Not that I'm aware of.

Q. Just being held until the trial of Watkins can take place.

A. I would assume so, yes.

Q. Were you going to try the case when, the Watkins case when it was, when the venue was changed to another county?

A. Yes, sir.

Q. You're aware that was going to be tried down on the coast in I think Harrison or Hancock County? That would have been in December of 83, correct?

A. There was a change of venue. If you tell me that, I have no reason to argue, that is very voluminous.

Q. Save time, two different change of venue motions, ultimately, he doesn't show for trial and he's declared a fugitive?

A. Right.

Q. That really take us to the end of 1983, correct.

A. Okay.

Q. At that point Bud Holmes was about to leave office, wasn't he?

A. Yes, sir.

Q. You were going to remain as the judge, right?

A. Yes, sir.

Q. Did you know Wiley Fairchild?

A. Yes, sir.

Q. Okay. Were you friends with him or just someone you knew in the community?

A. I would not classify it as friends. I would say that I knew Mr. Fairchild, as I'm sure everyone in the community did.

Q. Obviously Drew Fairchild you knew was his son?

A. I knew Drew was his son, but I did not personally know Drew Fairchild. I did personally know Mr. Fairchild, I did not know Drew.

Q. Despite that relationship, you were intending to deal withdrew Fairchild just like any other defendant?

A. Sure.

Q. Around Christmas, though, did you have occasion to see Wiley Fairchild?

A. Mr. Fawer, I can't exactly specify the date to you, but I would, my recollection is that it was either in late November or early December or must have been of 83 when Mr. Holmes was fixing to leave office, Mr. Holmes called me in the early morning hours, talking about early morning hours, few minutes before six one morning, indicated he wanted me to go with him. I said fine, you know, I've gone a lot of places with Bud. He came by.

Q. Did he tell you where he wanted to go?

A. Did not.

Q. He came by and picked me up, we drove a good bit, it was still before seven o'clock in the morning, I asked him -- we at that time were about three quarters of a mile or mile from Mr. Fairchild's office, I remember explicitly when I asked him, "Bud, it doesn't matter, but just out of curiosity, where are we going?" He said to Mr. Fairchild's. We went there.

Q. Did you know why?

A. Don't know yet why we went.

Q. But you went?

A. Yes, sir.

Q. You were sitting in his office with him?

A. With Mr. Fairchild and his brother Rodney and Mr. Holmes and myself.

Q. Who did the talking?

A. I would have to say primarily Mr. Holmes. We were not there more than eight to nine minutes, and it was primarily just a visit type situation. Mr. Holmes primarily did the talking and indicated to Mr. Fairchild he was fixing to leave office, was trying to clear up some cases to help Glenn White.

Q. Why did he come to see Wiley?

A. I have no idea.

Q. He goes, I mean Wiley is in the construction business, oil and gas expert, he's not, he's not an expediter of dockets, is he?

A. I wouldn't assume so.

Q. What did he say to him, what was your, the impression you got of why Bud Holmes had gone to see Wiley?

A. Mr. Fawer, I don't know that to this day.

Q. Did he talk about Drew's case?

A. He did mention the fact that he was fixing to go out of office, was trying to clear up some matters for Mr. White, and obviously Mr. Fairchild was aware of the fact that the case was still pending, and at some point mentioned whether or not he thought Drew would be entering a plea.

MR. PAWER:

Q. Well, let me --

A. Prior to him going out of office.

Q. Let me see if we can put this in context.

A. Okay.

Q. Drew's attorney wasn't there, right?

A. No, sir.

Q. Because he was dead?

A. His original attorney was. Only he had other representation at that time. Mr. --

Q. At that time?

A. I'm sure he did, yes, sir. We would not allow an active case to go on without counsel. Mr. Jolly Matthews who represented at one point, Mr. Jim Gladen.

Q. Excuse me, sir. You're talking about 1984 now?

A. Well, I don't know Mr. Pawer.

Q. Let me ask you --

A. Let me look through all these because I don't want to tell you anything that's inaccurate and I will indicate to you from the record who represented him. He always had representation.

Q. Bill Porter died in early November, 1983, correct?

A. I did not know.

Q. I don't think there's any issue November 4th, 1983.

A. All right.

Q. Check your files. The case on the calendar between that day and January 1, 84?

A. Between which dates?

Q. November 4th, 83, January 1, 84.

A. You see, as far as you file you could be right it could be possible. Well, here is January 24th of 84 where he's represented by Jolly Matthews.

Q. I said January 1 comes before January 24th. I'm not trying to argue with you. I'm asking you if there was anything in the docket and on the file any appearance between November 4th, 83 and January 1, 84?

A. Not reflected in the record, but I'm confident he was represented by counsel.

Q. I asked if there was any matter in the file?

A. No. The answer to that is no.

Q. And I take it only if there's an appearance is there a need to have -- I mean would you have an attorney?

A. That's correct.

Q. Bud Holmes is now standing with you in front of the father of the defendant, correct?

A. I believe he was seated, but.

Q. Seated with the father and the uncle of the defendant, correct am I correct?

A. That's correct.

Q. Did Bud Holmes at that time does it refresh your recollection say to him that he had made -- he had plea agreement with Porter?

A. With Bill Porter.

Q. He did say that?

A. It's my recollection that he indicated that they had had a plea agreement with Bill Porter yes, which is the first I had known of it.

Q. I'm not quarreling. I'm trying to find -- we don't know anyone else but Bud who was there. I got to ask you the questions. You were there, Bill is there and Bud is telling Wiley that he had made a plea agreement with Bill, correct?

A. That is my recollection, yes, sir.

Q. But that Bill being dead there's no one else who can attest to the fact that there was such a plea agreement except Bud?

A. I'm not real sure Bud was certain exactly what it was but he indicated he thought there was an agreement. You know, I'm just telling you my recollection.

Q. You don't know that Bud entered the plea agreement personally with Bill?

A. I don't know that he did. I know he has indicated to Mr. Fairchild that he was fixing to go out of office. Mr. Porter was dead and that there had been apparently some plea agreement which I won't say is a probated time and fined.

Q. Probated there would be no jail sentence and a fine, right?

A. That is my recollection.

Q. And was he suggesting to Wiley that before he Bill, excuse me. Before he Bud Holmes leaves office he was prepared to go through with the sentencing?

A. That would be a logical assumption, yes, sir.

Q. And that that sentence were it to be handled at that time would have been before you?

A. It would have been.

Q. When he satisfied that, have we accurately basically described what took place in this eight or nine minute conversation now?

A. Pretty much. They discussed some unrelated matters about some property or something that had nothing to do with me. I really wasn't paying that much attention.

Q. Real estate?

A. I believe it was.

Q. Was Wiley Fairchild did he seem angry at this meeting?

A. Not particularly.

Q. Did Bud explain to you why he was going there either before or after that meeting?

A. He has not to this day other than to say he wanted to clear up some cases for Glen.

Q. Glen White?

A. Right.

Q. To the proposal or the suggestion of Bud, what was Wiley's response if you remember?

A. Something to the effect and I don't want to put words in the gentleman's mouth but something to the effect of we'll leave it on the back burner or let it be or let it simmer, something to that general effect.

Q. Just that was Wiley saying just leave it the way it is?

A. That was my understanding what he was saying.

Q. And the way it was on the docket for sentencing, is that right, at that time?

A. At that time.

Q. From the time you had put it back on the docket, the active docket the moment you brought it back, it always remained on the active docket thereafter, correct, until disposition; is that correct?

A. Yes.

MR. PAWER: I have no other questions. Thank you very much.

MR. WEINGARTEN: We have no questions, Your Honor.

THE COURT: Thank you. You may step down.

THE WITNESS: May I be finally excused?

THE COURT: Yes, sir.

MR. PAWER: Katie Matison.

KATIE SMITH MATISON,

being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

MR. PAWER:

Q. Would you state your full name, please?

A. My name is Katie Smith Matison.

Q. And where do you reside?

A. I reside at 3002 Raphael Drive in Hattiesburg.

Q. And how long have you lived here?

A. I've lived here six and a half years.

Q. And what is your profession?

A. I'm a lawyer. I'm an assistant district attorney at the Forrest County and Perry County district attorneys office which is --

Q. How long?

A. The 12th judicial district of the State of Mississippi. And I've been employed there for five and a half years.

Q. That would take us back till mid what mid 81?

A. August 6th of 1980.

Q. August 6th, 1980?

A. Yes.

Q. And you've been employed there ever since; is that right?

A. Yes, I have.

Q. Who was district attorney when you were appointed?

A. Paul H. Bud Holmes.

Q. He's referred to as Bud, right?

A. Yes.

Q. Was there any relationship between you or your family and Bud Holmes that resulted in the point of you or have any bearing on it?

A. Well, I had known Bud Holmes my entire life. There's quite a bit of relationship between our families. Would you like me to delineate that?

Q. Not really. There is a background of family relationship, right?

A. Yes. He and my father were lifetime friends and grew up together.

Q. They were also business associates?

A. Yes they were.

Q. Your father's name?

A. His name is Prentis Smith. He's a physician in Baton Rouge, Louisiana.

Q. Directing your attention to let's see the year is 1980 you said you were appointed, did there come a time when you had occasion to hear of a case that is now called State Versus Drew --

A. Not in 1980.

Q. Just so we understand, there had been a drug bust oddly enough two days before you were appointed but you have no recollection having heard a thing about it in 1980, correct?

A. That's correct.

Q. In other words, I take it do you read the newspaper and watch TV?

A. Yes, I do. But I don't recall anything about the case then.

Q. When is the first time you recall hearing that name or seeing the name whatever it might be?

A. Bud Holmes on -- could I -- I brought a calendar with me.

Q. That's fine. I have no objection if His Honor doesn't if she's more comfortable using a calendar. I assume that's no problem.

A. Well, I can't find it, Mr. Fawer. It was about the 27th day of July.

Q. Would you be more comfortable if you had a chance to look at a calendar or had a calendar?

A. Later on if I need it.

Q. You think it was about --

A. It was about the 27th of July. It was the first Monday of the last week of July.

Q. You have it. And what occurred?

A. I had gone to the Caribbean the week before with my sister who graduated from high school and I went into Bud's office to talk to him and to ask him for more work at that particular time. And he told -- suggested that I go over to the justice courts and tell them I was available to do whatever he wanted me to do. He explained to me that it was made an analogy --

Q. Let me stop you. I'm really interested in whether you had a conversation concerning Drew Fairchild. I realize there's some background but to the extent that it doesn't have to do with Drew Fairchild, we don't really need it.

A. Fine. He took a folder out of his desk, top desk drawer and gave it to me and told me that he would like for me to do some work on the Drew Fairchild case which was really the first time that I had ever heard of Drew Fairchild also known as Redditt Andrew Fairchild.

Q. That's his real name. Drew is his nickname?

A. Yes.

Q. He handed you this file?

A. Yes.

Q. Was anything in it?

A. Yes, but it actually involved something that prior in time to the actual case that you're concerned about here today and he instructed me to go to the Mississippi Bureau of Narcotics and to obtain what we call the offense report which is compiled by each individual law enforcement agency and then given to us for the prosecution of the matter.

Q. Let me ask you this. Were you aware at that time that there had been any federal involvement in this case?

A. He explained to me that Drew Fairchild had not cooperated with the federal Government and that because the Fairchilds were prominent people that he felt that there was because of public perception that he had a concern that perhaps people would believe him negligent in his or by omission that he did not prosecute or have any involvement in this particular case. That's what he explained to me. He explained to me that apparently Drew did not cooperate and that therefore he had had a conversation with George Phillips and that he had agreed to prosecute Drew and possibly others. One of those other people being Robert Lee Watkins.

Q. Watkins?

A. Watkins.

Q. To move through, did you then at his direction work up this case in terms of its potential grand jury presentation?

A. He told me and instructed me do not present this case until I am present. I went over to the narcotics office two days later on Wednesday I think it was the 28th and obtained two folders which contained basically a --

Q. Let me say this. It's not that I don't want to go over each step of it, it's just that some of it is germane. Some is not.

A. Fine.

Q. If there's anything you think should be added, please interject it but I'd like to try to do is move to those points that are significant for our purposes.

A. Certainly.

Q. I realize you worked through and contacted people and did certain work but let me ask you this. Did you in general make the calls, contact the agents and do that which was necessary to present a picture to Bud Holmes so that it could go into the grand jury, make some decisions as to who if anyone would be indicted?

A. Yes I did. I obtained two folders basically a series of observations and thereafter prepared an order to solidify what had transpired in my mind a certain typewritten terse outline.

Q. When you were speaking to Bud or you were in his office and he turned the case or turned this file over to you, did you know Bill Porter at that time?

A. Yes, I did know Mr. Porter.

Q. Did you know whether or not Bud Holmes and he were friends?

A. Yes. Apparently they were friends. I say apparently. I know that they were. Bill Porter visited in our office and he and Bud seemed to have a real friendship.

Q. Did Bud at that time indicate to you anything to the effect that he was seeking to prosecute Drew Fairchild in an effort to secure a legal fee, an outstanding legal fee for Bill Porter?

A. No, he did not.

Q. That was not mentioned at all?

A. No.

Q. Was Bill Porter's name even mentioned in that initial conversation?

A. No. Unless he had mentioned and he may have mentioned that Bill had represented him, but he did not discuss any fee arrangement.

Q. Fine. What he said is what you've already just told the jury?

A. Yes, that Drew had failed to cooperate.

Q. And the prominence of Drew?

A. Yes.

Q. By the way, had you known of the Fairchild name at that time?

A. I had heard of the Fairchild name. I had never met Wiley Fairchild. I had never met any member of his family, didn't know them and never socialized with them.

Q. In any event, prior to making the presentation did you discuss this matter with Bud Holmes?

A. Well, I did not present the case.

Q. Who did?

A. Someone other than myself. The case would have been presented -- if I could please interject this.

Q. Sure.

A. Thereafter Bud went to Europe for two weeks. He came back the following week which would have been the week of August 19th and that particular morning I was in county court conducting a sanity hearing and also certain first appearances one of those individuals whose name I being Gage Keys so I was not there. Who was actually there I don't -- I cannot tell you although at that time only three people besides myself would have had access to the grand jury those being Bud Holmes, Glen White and Tom Zachary in his capacity as county attorney.

Q. In any event, you didn't present it, it did get presented and a decision was made or in fact the grand jury indicted Drew

Fairchild and Robert Watkins, correct?

A. Yes.

Q. Had you learned prior to that just had you learned prior that on the federal level there had been disposition as with respect to certain other members involved?

A. Yes, I had.

Q. Of the defendants. Had you prior to the -- I know you didn't present the case to the grand jury. Were you aware as a result of any discussions with Bud Holmes who he had opted to ask for indictment on?

A. Yes.

Q. Who was that?

A. Okay. Can I --

Q. Be my guest.

A. All right. There were several people who were involved and who could have been potential defendants. Some of those I do not know whether or not the Government meaning the federal Government has ever indicted all of those people. Some of their identities were uncertain. There were at least 10 potential people. Mr. Mr. Val Vincente. Another man Joey Jergrosa.

Q. These are --

A. They were people who were there in order to transport the drugs and who fled and who were never apprehended to --

Q. You mean mulers?

A. Yes.

Q. You know what the phrase means?

A. Yes. And also purchasers of large quantities of marijuana.

Q. Just so we understand. We're concerned about I'm not for a moment suggesting that's irrelevant in substance but here Drew and Watkins were the ones who were indicted, right?

A. Well, they were 2 out of the 10. The 4 people who had been apparently charged and had a pled guilty in United States District Courts were Kenneth Hatfield, who apparently was an employee of this man I just told you Val Vincente. He apparently -- and I might need to check my notes but apparently he was sentenced to served some term of incarceration. Man Charles Malone who represented five years and a suspended sentence and by the federal Government and a fine I think $10,000. Another individual by the name of Malcom Dutfine who received a term of incarceration and was found actually at the site of the airplane. And another individual named Marco Torrens who actually made the journey to Columbia.

Q. Who made the decision as to who would be indicted by the -- who to ask even endictments on?

A. Bud Holmes.

Q. Did you have anything to do with that decision making?

A. I presented him with the outline and discussed the potential defendants. He basically manifested an interest in -- oh, I left out one person Bob Wells. I forgot to mention him.

He basically manifested an interest in the pilot, being Robert Lee Watkins, and also Drew Fairchild.

Q. Okay. They are dated, were you, did you handle the arraignment?

A. Yes, of Drew Fairchild. I was present at the arraignment which occurred on September 3rd of 1981.

Q. Were you in charge of this case in any sense or, in your office is one person in charge, are they really Bud's cases and whoever is assigned to handle it at any given point in time handles it?

A. Well, Mr. Pawer, at that, if I could be allowed to elaborate. At that particular point in time as now I work under the supervision, direction and control of the Forrest County and Perry County district attorney, and at that particular time I had the lowest amount of seniority in the office. When I arrived there in August 6th of 1980 Bud told me unequivocally that I, quote, worked for him and Glenn White, and Glenn gave me my daily instructions. I have never had full control over anything, and I could, if it would be appropriate at this time, cite an example.

Q. No, fine, nobody is doubting --

A. Could I cite the example? To give you an example --

Q. Ms. Matison, please, we don't need the example, nobody is questioning it.

A. Okay.

Q. Okay. Let's just go on from there. In any event, there was an arraignment, did you handle it? You're the attorney for the state who is present?

A. I was present, right.

Q. You've been present at a lot of other arraignments which you may or may not be involved in the case?

A. Okay.

Q. Man is arraigned on September 3rd, he ultimately, there is a trial setting as I understand it, for early January of 1982, correct?

A. January 12th of 1982.

Q. Okay. Tell the jury though just in general terms what was the status of the co-defendant during that period?

A. At that particular point in time, Robert Watkins was a fugitive. He was ultimately arrested, or apprehended at the Dallas-Fort Worth airport in December, I think it was December 29th of 1981. At that time he was brought into Dallas and they notified our sheriffs office over the NCIC, which is the National Crime Information Center. Glenn prepared a notification that we would extradite the defendant, meaning we would willing to bring that individual back to the state of Mississippi to be prosecuted and to face the charges in Mississippi. We did that.

Before doing that, the defendant is entitled to a hearing. Apparently Mr. Watkins had some ifirmity at that time and had medical treatment. He missed his court dates which were scheduled and dragged out from early 1982 until some point in May, around the 19th of May of 1982. At that time he failed to show up.

Q. Wait, you've gone beyond the date.

A. Excuse me.

Q. Okay. In January, on the date, let's come back to January of 82, at that point. It's getting warmer and warmer in here, Judge. Somebody has their own idea of how to shorten the court day.

THE COURT: Why don't you just open the door.

MR. FAWER: Thank you, Judge.

BY MR. FAWER:

Q. Ms. Matison, in January of 1982, it's our understanding from the record that Drew Fairchild pled guilty, is that right?

A. Yes, he did.

Q. Were you involved in any negotiations leading up to that plea?

A. Basically we had discussed what to do with Drew Fairchild, and I was present on two or three of those occasions when a discussion was held with Bill Porter and they transpired in Glenn's office. I suppose that was kind of the gathering place, whatever you want to call it for everyone, and during those times an offer was made, or discussions were held offering him a term of years to be suspended upon a written

order of probation and a fine in exchange for his agreement to testify against Robert Watkins who had, according to our information, been trafficking in drugs for some period of time.
Q. Okay. Who was it who made that agreement?
A. Bud made the agreement, and I was present.
Q. Fine. Made the agreement with Bill Porter?
A. Held the discussions. What subsequently happened is that Robert Watkins was apprehended in Texas --
Q. Wait, I don't want to get to that. He made the agreement with Bill Porter?
A. Yes, a discussion was held.
Q. Was Drew there?
A. Oh, no. Drew was not there when Bill Porter was in Glenn's office with Bud, oh, no.
Q. On January 12th, you wanted to go on to concerning January 12, right?
A. No, I wanted to state what precipitated this guilty plea.
Q. Go ahead.
A. He pled guilty apparently because when Robert Watkins was arrested in Dallas, Bud went to Bill Porter and told him that we did have Robert Watkins, that we expected him to be brought back to the state of Mississippi, and apparently told him that Watkins could conceivably testify against him. The case was originally scheduled for trial on January 12th of 1982. At that time Drew elected to enter a plea of guilty, and the

sentence was taken under advisement.

Q. The sentence was taken under advisement, meaning continued until some subsequent point? There was, Drew was going to be in for a back operation, it was recognized there may be need for additional continuances, correct?

A. Correct.

Q. Do I understand, Drew was asked to execute an affidavit for identification and he did that?

A. Drew did that, and -- I photocopied some things. I don't recall --

Q. February 19.

A. Okay. And that was, that was in 19 -- okay.

Q. In any event, if we can, from that point on does there come a point when Watkins skipped, or you learned that he skipped Texas?

A. Yes, his bond was forfeited in Texas.

Q. When is this?

A. May 19th of 1982.

Q. Okay. He skips, and the, we have I take it Drew still recuperating from his back operation that occurred during that period, based on the continuance requests?

A. Well, I didn't prepare the continuance requests.

Q. Who did? I take it somebody else in the office would have done it.

A. Someone else prepared it. I did not prepare that. I went back and looked at the court file, which I don't have with me, but I did not prepare that. It would of necessity have been continued, if it was conducted during the terms of court, which would have been March and July and November?

Q. The record which is in evidence here, you can see it if you like, reflects continuances throughout that period.

A. If you would like for to me, I could distinguish what I did and didn't do.

Q. Just continuance, you continue cases everyday of the week, right?

A. Sure.

Q. You do it, Glenn does it, Bud does it, every DA in every DA's office in the world files continuances?

A. Sure.

Q. It's of no significance who prepares them, right? You don't know of any significance as to who prepares the continuance, do you?

A. No.

Q. During this period of time, Watkins is a fugitive, correct?

A. Yes, he is.

Q. At the end of 1982 there came a time at the end of December of 1982 as I understand it when this case was passed to the files, there was a motion and an order, an order entered by Jack Weldy, or signed by him upon request of the DA passing it to the files, okay. You're aware of that, right?

A. Yes, I am.

Q. First, do you have anything to do with that at all?

A. No, I did not.

Q. Okay. Second, do you know what the status of the case was, of Watkins' position at that time was?

A. Yes, I do.

Q. What was that?

A. Robert Watkins, if I could be allowed to elaborate.

Q. Any time.

A. July of 1982, July 19th, I asked from the federal government something that is called a 1073 warrant stating and alleging that Robert Watkins was a fugitive and had fled the state of Mississippi. They assisted us, and the FBI arrested Robert Watkins in Del Ray Beach, Florida. He apparently was in a hospital there, I believe the 29th of October of 1982, roughly during that time frame. Subsequent to that time, I was contacted by the Del Ray Beach police department and I spoke with a person by the name of Joan Robinson. We explained the situation that Robert Watkins had fled the state of Mississippi, he had also left the state of Texas, required a very high bond, bond being an assurance that an individual will come to court.

They agreed, and as far as I know bond was set at fifty thousand dollars. This particular individual advised me that Robert Watkins was represented by an individual by the name of Lee Bauman, B-A-U-M-A-N, from Miami, Florida, and his extradition hearing to determine whether or not we would be allowed to have him back in the state of Mississippi was scheduled for the, I think it was the 1st of February of 1983, so what I would state is Robert Watkins returned to the state of Mississippi was imminent at that time, any moment.

Q. At which time?

A. During this time, the end of 82. During November or December.

Q. He wasn't there, though, right?

A. He wasn't there, but we expected to get him back.

Q. You, as far as I know, you determined Glenn White prepared this order passing it to the files, right?

A. Yes, he did.

Q. And did you discuss it at all after the fact with Bud Holmes?

A. Well, after all this began --

Q. No, I don't mean that. I mean at the time?

A. Oh, no.

Q. Did you ever question it or anything of that sort?

A. No, Mr. Fawer, I kept a daily sheet of the days, what I accomplished each day, the days that I reported to work, and Bud never did discuss this with me.

Q. Okay. Did you --

A. I would have remembered something like that.

Q. Was there ever any discussion with Bud present and you, Porter? If it's subsequent I'll come to it later.

A. Subsequent, yes, but not at that time.

Q. Fine. On January 26th does Watkins come back to the state?

A. January 26th he was returned to the state of Mississippi.

Q. Okay. What else, is Watkins arraigned that day?

A. I was not present that day.

Q. Was he arraigned that day?

A. But according to the television, according to the information I subsequently received, he was arraigned that day, and his bond was set in the amount of one hundred thousand dollars.

Q. There was an order activating, taking the Fairchild case back from the files, reactivating it on the active docket?

A. Subsequently, yes.

Q. Same day?

A. Well, I mean subsequently I determined that there was. That order is dated the 26th of January.

Q. You had nothing again to do with that?

A. No, I did not.

Q. Fine. At that point, just so we can sort of move ahead beyond that period of time, Watkins is back and, is this accurate so we can, as I say, move forward, there are motions being made by Watkins of a variety leading to an ultimate trial in some location other than Hattiesburg?

A. That's correct.

Q. Okay. Ultimately the trial was set for the end of December of 1983, is that right?

A. Yes, the trial had been scheduled originally in I think May 23rd in Jackson, we made arrangements for the courtroom, then it was set over until December 12th in Gulfport, we secured a courtroom.

Q. At that time you determined or it was determined that Watkins had jumped bond again, became a fugitive again, correct?

A. Yes. There was a great deal of confusion at that point in time in November, late October or November of 1983 as to who actually represented Robert Watkins. The problem being that Lee Bauman did come to court in Jackson, but he was not a licensed practitioner in the state of Mississippi, and the court ordered that he associate a local counsel to participate with him.

Q. And?

A. He did not do so.

Q. To make it short, at the hearing which local counsel was to be appointed Watkins doesn't show, it was determined he was no longer around?

A. That's correct.

Q. He has not been heard of since?

A. That's correct.

Q. Okay. As I understand it, the DA's office did everything in their power to try to bring him to trial, fair statement?

A. We certainly did.

Q. In any event, Bud Holmes leaves office the end of that month, correct?

A. December 31st of 83.

Q. Okay. Direct your attention in 1984, Glenn White takes on the position of district attorney, right?

A. Yes.

Q. Did there come a time in April of 1984 when you became aware that there was an investigation centered around or focused in some way on the Drew Fairchild case, I mean a federal investigation?

A. Yes.

Q. When approximately was that?

A. Well, it was about the 24th of April of 84.

Q. How did you learn about it?

A. Don Lawless and Reid Weingarten came to the district attorney's office and spoke with Glenn, and Glenn asked me to step in and speak with them for a few minutes.

Q. Did you do so?

A. Yes, I did.

Q. On that day, after that meeting, either on that day or at some point thereafter, did Bud Holmes approach you with respect to the Drew Fairchild case?

A. Yes, he did.

Q. Tell us when that was as best you can recall?

A. It was roughly about, during, after a decision was made by the government to empanel the special grand jury, it would have been about the 20th or June or so, of 84.

Q. Okay.

A. I think the grand jury was empaneled about the 17th, or a decision was made.

Q. Where did this meeting or this conversation take place?

A. Well, there wasn't a meeting. He began calling me on the telephone and asking me questions about the case.

Q. Go ahead.

A. He called me and asked me questions that, that he could have answered. They were questions like on January 26th of 1983, don't you remember this, don't you remember what happened, don't you remember my conversation with the court, and when I told, I explained to him that I was not in court that day, I unfortunately did not know that Robert Watkins had been returned to the state of Mississippi until later on, I think the end of the day, then I saw the news coverage. He asked me about that, and I subsequently determined in reviewing the court file that that was the date that Drew's case was reinstated. When I explained to Bud that I did not, was not there, he became very, I would say upset, and he said well, I just don't know why you weren't there, the whole office was there.

Q. You weren't there, though?

A. No, I was not there.

Q. Was there any discussion, you say there was a series or phone calls?

A. Yes.

Q. If you can particularize them do so, but if not, my question is, during the course of these conversations did Mr. Holmes suggest to you at any time that you take full responsibility or that you had full responsibility for that case from beginning to end?

A. Exactly what he said and exactly what he did, if I could be allowed --

Q. That's what we're asking.

A. This is a person who as I stated earlier, who has been a friend of my family for, from my earliest memory. His mother and my grandmother were next door neighbors until her death in 1984 and they saw each other every day. He and my father were extremely close friends and spoke on the phone almost on a daily basis.

Q. You speak in the past tense.

A. Well, I'll get to that.

Q. I'm sorry, go ahead.

A. He of course, every member of his family and my family were very close and I've always liked Bud a great deal, and thought a great deal of him. He began calling me and he didn't come see me, but he called me on the phone and continued to say didn't I tell you you could do anything you wanted with this case, it was your case, didn't I say it was your case, it was your case. And trying to, I -- perhaps browbeat me or shame me into saying that this was totally my case, which is not true. I worked for him. I have a definite impression that he was concealing something, that there, you know, especially in light of the fact that I did not know, had never discussed with him what precipitated passing this case to the file, he had never discussed it with me, which was unusual.

Q. Now, let me ask you, again if there is more, tell me, I just want to ask one point. In this series of conversations, did he ever mention Bill Porter and the passing of the case to the files?

A. He mentioned that Bill Porter began calling him and telling him that Drew was very unhappy because we had not successfully brought Robert Watkins back to the state of Mississippi, and that he wanted to withdraw his plea of guilty, and that Bill Porter had spoken to him many times about this.

Q. Him, Bud Holmes?

A. Him meaning Bud Holmes, yes. And he told me this after this investigation began. He did not tell me this in 1982.

Q. Okay. Anything else that you recall that needs, that bears on this in terms of these phone calls before he goes to the grand jury?

A. He read me, he began taking notes of our conversations, and he read me one or two sentences several times from earlier conversations. I thought it was strange only because of, he seemed almost reluctant to come and just sit down and talk to me. He only called me up with the intention of asking me questions. One being what transpired on the day that the case was presented to the grand jury, well, quite a bit had been said about not presenting the case under any set of circumstances unless he was present, and I was not present that day, and ascertained where I in fact was. And he seemed to try to cast some doubt on how I remembered things, maybe they happened a little bit differently than I remembered.

Q. Is that the impression that you got?

A. Definitely.

Q. Okay. No question about it in your mind, is there?

A. I discussed it quite a few times with my husband, and also I approached my father about it, because it did bother me.

Q. Okay. Your father is someone who had known Bud for some time obviously?

A. Yes.

Q. All right. Is there, this occurs I think you indicated in the spring, shouldn't say the spring, I guess the summer, early summer of 1984?

A. Yes, that's correct.

Q. It was well publicized that Bud Holmes went to the grand jury on or about July 19th or 20th of 19 48. Were there any other conversations that you can describe with him up until that point in time?

A. No. Just that he did continue to call me on the telephone, and when I did attempt to steer the conversation in any other direction, he only wanted to speak about the Drew Fairchild case, and he continually said it was your case, Katie, it was your case. Of course that bothered me from the standpoint that first of all by statute, by the laws of the state of Mississippi, I work for him, he didn't work for me, and I don't have complete, unbridled control in anything I do, even today, after five and a half years.

MR. FAWER:

Q. Were you receiving any communications that Bud in that period of time was talking to anyone else in an effort to pass messages onto you?

A. He continually told my father and my father stated to me at least --

MR. WEINGARTEN: Excuse me --

MR. FAWER:

Q. Just tell me this. I don't want to hear what your father told you, okay?

A. Okay.

Q. To your knowledge did Bud speak to your father without telling us why?

A. He spoke to my father.

Q. Did your father then speak to you?

A. Yes, he did.

Q. Who was the judge that presided over that grand jury; do you know?

A. Judge Parker.

Q. Where is he from?

A. From Baton Rouge.

Q. Where does your father live?

A. Baton Rouge.

Q. Were there any discussions as far as you know concerning your father's relationship with Judge Parker?

MR. WEINGARTEN: Object to hearsay.

MR. FAWER: Perfectly appropriate. I'm not asking for the details of it in any way.

MR. WEINGARTEN: That's exactly what he was doing.

MR. FAWER: I'm not.

THE COURT: Overruled.

THE WITNESS:

A. I'm sorry can you repeat the question?

Q. Were there any inquiries made by Bud Holmes of your father concerning your father's acquaintanceships or relationship to Judge Parker?

A. Yes, he did inquire.

Q. Don't tell us what just tell us if there was or was not?

A. Yes.

Q. There was?

A. Yes.

Q. You were made aware of that fact?

A. Yes.

Q. Were there aside from that messages without telling us what they were that your father was being asked to communicate from Bud to you?

A. Well, I don't know if I like the word messages. I do know that their discussions or conversations occurred in which he attributed the control of the case. He being Bud to me.

Q. When is the next time that you recall speaking to Bud directly or on a telephone, face to face or the telephone or when he ever sent a message to you that he wanted to speak to you?

A. I saw him off and on during that period of time not very frequently and I did not see him in a social context at all. I felt that there was some strain between us.

Q. Did you see him after he testified? When was the next time that -- you did you receive any message from him let's say in August in 84 any messages from him, any communications with him?

A. I did see him.

Q. I'm talking about concerning this matter?

A. I remember seeing him in August and I saw him at our office on a couple of occasions and he continued to ask questions about the case. They were the sorts of questions that anyone who was at all familiar with the case should have been able to answer.

Q. Was there any inquiry made of you concerning whether you were going to be called upon to testify before the grand jury?

A. Yes.

Q. When was that?

A. It would have been in August in late August of 1984 because I was not subpoenaed but we being Glen and I were asked to come before the federal grand jury.

Q. Did you actually?

A. No, I did not go in and testify but I did present myself here at the specified time.

Q. Was there any request to go over your -- did anyone make a request to go over your testimony or your proposed testimony?

A. Well, Glen told me that Bud wanted to meet with me.

Q. That was all, okay. When was your next contact that you had with Bud?

A. I saw him very infrequently and occasionally received a telephone call from him continually asking about the Fairchild case. It caused me a great deal of turmoil I might say because he continued to assign full control of the case to me whereas I knew that that was not the situation and I knew that there was something about this that he was concealing and something that I obviously did not, was not aware of something that must have happened. He began to act very frightened and he seemed to be very uncomfortable.

Q. Did he come to you -- let me direct your attention if I'm skipping anything stop me.

A. Okay.

Q. The third week of February, 1985?

A. Yes.

Q. Did he come to your office?

A. Yes, he did. Prior to that time I had seen him. We were both and I still am a member of the Mississippi Prosecutors Association and I saw him the last day of -- we have seminars at least twice yearly and I walked in the last day of November of 84 seminar and he was there. Walked in to have breakfast by myself and I saw him, sat down and spoke to him. Basically that was -- he seemed reserved. We didn't really have much to say about this particular case. The next time that I really recall seeing him was in the third week of February. It would have been between the 19th and the 21st of February. He came to my office one day of 1985, came in --

Q. How do you pinpoint those days?

A. Well, I think one reason is because I write down every day what I do and so I mean that helps me to remember and then because I've gone back and tried to think about that and I remember now that that was around the time that he was testifying. I saw that on the news though.

Q. Did you know he was about to testify the 21st?

A. Oh, no. It could have been it was either I could go and look it up, but it was either Tuesday or Thursday of that week.

Q. Tell us what happened.

A. He came into my office, shuts the door, sat at least a distance of 10 or 12 feet from me. He began turned the conversation toward the Fairchild case as he always wanted to talk about and finally he got up from his chair, he walked over, stood in front of my desk so he had to walk -- he was over at the other end of the office, got up, stood in front of the desk and began cross examining me stating do you -- it was your case, do you know anything wrong with the case. Of course, I didn't. Didn't I tell you that Bill Porter said that Drew wanted to withdraw his plea of guilty and isn't that why the case was passed to the file. And it was just a general -- just a repetition of the same things that he had said for months.

Q. Was anything said about you aside from the description of the case?

A. He became a little abusive and in a very fanatic way that I was somehow an ingrate that I didn't appreciate the things that he had done for me because he was very nice to me and he did give me a job and I appreciate that very much and he -- well, I just felt badly when he left.

Q. By the way, did you at that time continue to tell him I mean the same position that you did not have control of the case in fact he knew that the whole time?

A. He knew that the whole time. He was obviously concealing something that he knew about the case. From my experience as an attorney it was my observation that he was concealing something. You know, there was something more that must have happened than I knew especially because there was so much to do about the order passing the case to the file, you know.

Q. Okay. In any event, and at that time you still did not know anything about his having started that prosecution to help Porter get the legal fee, did you?

A. No, Mr. Fawer, I didn't know anything like that.

Q. Now did there come a time in late March or just after March 29th of 1985 after he had gone to the grand jury for the third time, excuse me, after he was indicted that he contacted you?

A. Okay. I came in March 29th of 1985, I was scheduled to have a surgical procedure on that day. That's the reason I remember the date. I was subpoenaed as the capacity as having been a prosecutor and one of these other people I mentioned by the name of Bob Royals. Glen White also came over and we were not required to testify. Bud was there. He had been. That was the day that his indictment was returned. I told him hello and then after that which would have been I think it was April 2nd which would have been a Tuesday, I had in preparation for this operation that I had an out-patient surgical procedure and it was a sort of thing that they have to put you to sleep for and then my husband brought me home and Bud called him up that afternoon purportedly to talk about the case. Of course, that was about two or 3:00 and I could not have talked to him if my life depended on it. I was totally incoherent. I have some vague recollection of the phone ringing and hearing David talk to Bud.

Q. Aside from that, when is the next time he talked to you?

A. All right. I had an operation on the 5th of April, 1985 and it was something that I was very concerned about it because it was a four, four and a half hour procedure and I had 3 large tumors which were believed to go malignant which were not. Of course, I was quite, quite, I'll. I needed blood and was just not well at all so I couldn't eat for four days. I was sick enough that I missed a month of work. While I still had drips in my arms and I was in the hospital at 7:30 on the day after Easter, I received a phone call from Bud and he wanted to talk about the Fairchild case. Well, I didn't want to talk about the Fairchild case at that point in time and I told him frankly I just made up that I said you know, Bud it was 7:30 or eight at night and I was real fatigued. I said one of my doctors is going to come by and, you know, through the nightly rounds and I really do need to go. And he was very irritated with me that I didn't care to pursue this. Of course, I really didn't feel like pursuing it and then I didn't hear from him again until 5 weeks later. Five or six. Well would have been six weeks later.

Q. Tell me about it.

A. When I finally recovered, I went to the spring seminar of the Mississippi Prosecutors Association and it would have been around the about the 23rd of May of 1985 and he -- when I arrived there, I walked in and Glen who is my employer, Glen White told me that Bud and Jim Dukes --

Q. Who's Jim Dukes?

A. Jim Dukes was Bud Holmes's attorney and it was his former law partner. And another individual another lawyer by the name or Maurice Dantin wanted to speak to me about the case that they wanted to -- Glen wanted to bring me down to their office the following Monday at 3:00 in the afternoon to sit there so they could discuss the case with me. I was very reluctant to do that. And the reason is because Jim Dukes has an intimidating sort of personality and I didn't want anybody to try to intimidate me into stating that I had full control over that case by browbeating me, shaming me, telling me I was an ingrate. I refused to do that.

Q. What did you propse?

A. So I called my husband and I also spoke to Mr. Weingarten who I had spoken to in the past and expressed this concern, this fear about this.

Q. By the way can I stop you?

A. Sure.

Q. Had you told Mr. Weingarten or other representatives of the department of what Bud Holmes had been trying to do all along?

A. I told him that, of course, there was pressure and that I did not -- I wanted to make sure Mr. Weingarten understood which I feel very confident that he did understand all along that I did not have full control over that case. He assured me that he understood that and my main concern at a certain point was that no longer would Bud Holmes understand but that the federal Government know the truth because --

Q. That wasn't my question.

A. Excuse me.

Q. My question was did you make clear to Mr. Weingarten the pressure that was being exerted upon you by Bud Holmes?

A. I don't know how clear I made it to him, Mr. Fawer, because by that point in time I was rather upset and I did speak to him from Biloxi and talked to him about -- I asked him whether or not the Government planned to call me as a witness and I told him that I did not plan to go to this meeting and that I had planned -- I had spoken to my husband and that I planned to get a friend or a third person to be there only so that nobody would try to somehow browbeat me or shame me really into saying I had full control of the case or refresh my memory.

Q. Had you spoken to Mr. Weingarten or any other member of the federal Government about these pressure prior to that?

A. I spoke to Mr. Weingarten about it and I felt very frankly that his reaction was very appropriate.

Q. Ma'am excuse me. My question is very simple. Did you alert him, tell him, discuss with him, talk to him about Bud Holmes bringing pressure which you've described from April now or early in 84 and we're now a year later?

A. Not until May.

Q. That was my question. In May you described it to him?

A. Let me think about exactly what I did tell him. I just told him that I did not want to go and meet with them and have them put any pressure on me and that I felt that Bud wanted me to state that --

Q. My question -- I guess the answer to my question is no, I did not describe in any way to Mr. Weingarten the preceding pressure that had been brought to bear; am I correct?

A. I'm pretty sure that I relayed some of that to him. How much I did I don't know.

Q. So you may have relayed some and not all?

A. Right.

Q. That would be the answer then?

A. Yes, and how clearly I did because as I said it was emotional. It was a hard thing. I was afraid that I would have to contradict Bud Holmes and I didn't want to have to do that.

Q. I understand that. Now did there come a time when anybody communicated to you any relative of you communicated to you that they had received a threat on behalf of Bud Holmes; yes or no?

A. Yes.

Q. Who was that?

A. My aunt Katherine Aldridge who is a physician in Hattiesburg.

Q. Without telling us what was said first of all when did this occur?

A. It occurred May 30th of 1985.

Q. And who was it to whom she spoke again without telling us what was said?

A. Jim Dukes called her.

Q. Jim Dukes the same individual who's the attorney and former law partner of Bud Holmes, correct?

A. Yes. When I refused to meet with them and I -- could I go into what happened?

Q. No.

MR. WEINGARTEN: Respectfully object. It's hearsay.

MR. FAWER: I told her no.

THE COURT: Let's take a short recess.

(Recess).

THE COURT: You may proceed.

BY MR. FAWER:

Q. Ms. Matison, let me understand, we had gotten to a point where you indicated if I'm not mistaken, correct me if I'm wrong, that some form of --

A. I'm listening to you.

Q. Okay, I'm sorry. That some form of threat had been communicated to a representative of yours from James Dukes, is that correct? I don't want to know what it was, just that's what happened?

A. Can I tell you what happened that particular morning?

Q. No, you can't. I'd like to, but the rules say no. What I'm saying is when did it occur?

A. Well, I saw Bud earlier that day.

Q. May 30th?

A. Yes.

Q. When -- first of all, who was the relative we're talking about?

A. Catherine Aldridge.

Q. She is a doctor here in Hattiesburg?

A. She is my father's sister; she is a doctor in Hattiesburg.

Q. You saw Bud earlier in the morning?

A. Yes.

Q. And there was a communication from Jim Dukes, lawyer for Bud Holmes, to Dr. Aldridge later that day?

A. Yes.

Q. Did you learn of it thereafter? Was it brought to your attention by Dr. Aldridge?

A. She called me the next morning and brought to my attention that something had occurred, although her particular work schedule and mine did not permit a discussion of what transpired until late that evening.

Q. Did she ask to meet with you that day?

A. Yes.

Q. Did you ultimately meet with her?

A. Yes, I did.

Q. Did she tell you what had occurred?

A. Yes.

Q. In the conversation with James Dukes?

A. Yes.

Q. Thereafter, to your knowledge, did she bring this to the attention of the federal government?

A. To my knowledge she did.

Q. Again, I don't want -- I can't ask you, don't want to ask you what was said by her to them.

A. Fine.

Q. Were you present when that was done?

A. Not when she brought it to their attention.

Q. Did you talk to them about it as well?

A. Yes, I did.

Q. When was that?

A. I spoke to my Aunt Catherine and her -- she was quite upset, and my husband and I spoke to her and we reported it on Saturday, which would have been June 1st of 1985.

Q. Two days after it happened?

A. Two days after it happened.

Q. Okay. Subsequently, did there come a time later in June when Bud Holmes to your knowledge entered a plea, entered into a plea agreement and a plea in the case in which he had been indicted?

A. According to what I read in the newspaper.

Q. As far as you know?

A. As far as I know from the news media.

Q. Thereafter during that summer, did Bud Holmes discuss the threat that Jim Dukes had communicated with Dr. Aldridge, did he talk to Dr. Aldridge about it later that summer?

A. Give me a second.

Q. Sure.

A. My husband and I went to my aunt's home on I think it was the afternoon of the 18th of August of 1985, and she related some discussion that she had had with Mr. Holmes?

Q. Okay. We don't want, Dr. Aldridge is here in town, correct, currently?

A. Yes.

Q. Let me ask you something, Ms. Matison. Throughout this, as

I understand it from a period of the spring of 84 through the summer, early summer of 85, the discussions or these approaches were made to you by Bud Holmes or someone on his behalf, is that correct?

A. Yes.

Q. Okay. Do I understand correctly that they concerned the overall handing of the Drew Fairchild case from beginning to end, is that a fair statement?

A. Yes.

Q. Okay. You indicated that you thought there was something else that you weren't learning, okay?

A. Yes.

Q. At any time was there any suggestion in your mind that Bud Holmes was covering up anything for Judge Nixon?

A. He was covering something up. Now for whom I do not know.

Q. I asked you a straight out question.

A. No.

Q. Please answer it. My question to you, ma'am, is you told us he was covering something up, correct?

A. Yes.

Q. Okay. Do you know Judge Nixon?

A. Yes, I do.

Q. Okay. Is there anything, tell this jury if there is anything that you know of that was suggested by Bud or based upon what you know that in any way Bud was covering something up for Judge Nixon?

A. In relation to this case?

Q. Of course.

A. No, I don't know of anything.

Q. That's all I'm asking you, okay? Just so we understand, I had occasion to be permitted to speak to you on two occasions, am I correct?

A. Yes.

Q. Each time you requested that your attorney be present and he was, am I correct?

A. Yes.

MR. FAWER: Thank you. Would you indulge me one moment, Your Honor? I tender the witness, Your Honor.

MR. WEINGARTEN: Thank you, Mr. Fawer.

CROSS-EXAMINATION

BY MR. WEINGARTEN:

Q. Good afternoon?

A. Good afternoon.

Q. Your role on the case, is it fair to say, you did the scut work, you were the lawyer who was assigned to do the day to day work? I'm talking of course about the Drew Fairchild case?

A. I did work on the case for Glenn White, but I did a lot of the letter writing and that sort of thing.

Q. If it had gone to trial, would you have tried it, is that clear?

A. It's not really clear. There is a good possibility that I would have tried the case, but as had occurred in the past, I have worked a case up through trial and have actually gone to the courtroom, and Bud has announced ready, and Glenn would try the case, so it's really hard for me to say. I would say the chances are I could have tried it.

Q. That matter had not been cleared? That matter was not specifically worked out yet?

A. No, it was not. Although I had made some preliminary preparations to go to the Gulf coast.

Q. If the trial had been in Biloxi, or on the coast?

A. Or in Jackson.

MR. FANER: Excuse me, we're talking about the Watkins case?

THE WITNESS: Watkins, yes.

BY MR. WEINGARTEN:

Q. The case was moved because of a motion to change venue?

A. Yes.

Q. Was that motion made because of the extensive pretrial publicity around here in Hattiesburg?

A. Apparently that was the basis for the motion.

Q. And the motion was granted?

A. Yes, the motion was granted.

Q. Okay. Is it fair to say that the whole point to what Bud Holmes was doing was trying to get out from underneath responsibility for the Drew Fairchild case?

A. Definitely.

Q. Is it fair to say that his particular concern was the passage of the case to files?

A. That was one of his concerns. Another one was the date of reinstatement, and, there were one or two things, you know, that seemed to concern him about the case, that he always, that his conversations always focused on those particular issues.

Q. What about passage of the case to files, who physically carried that document to court?

A. I did.

Q. Did you have anything whatever to do with drafting it?

A. Absolutely not. The way that I found out about it was that Glenn White gave me a stack of orders along, which included the Drew Fairchild order passing the case to the file, and asked me if I would physically take that over to Judge Jack Weldy for his signature. That was the first time that I had ever seen the order or that anyone, that I had even known of its existence.

Q. All right. When was the first time you actually read the document?

A. On my way from the parking lot I looked at it, I saw the heading and looked at it, and then noticed that it was passing the case to the files.

Q. Is it fair to say you were surprised?

A. Oh, yes.

Q. Is it fair to say you were shocked?

A. Yes.

Q. Why were you shocked?

A. Because as I stated earlier, Robert Watkins' returned to the state of Mississippi was imminent and his extradition hearing had been scheduled in Florida for the first day of February of 1983, so we expected to bring him back at any time, and the order recited that because of Robert Watkins' absence from the state of Mississippi, that this would enable, be some sort of vehicle for -- to continue Drew Fairchild's case.

Q. You found that preposterous?

A. Yes.

Q. Was there anything else about the order that you found strange?

A. Well, in looking at the order, it does recite that Drew had cooperated with the federal government, which is contrary to what Bud had told me in July of 1981.

Q. Did Bud explain that the state had received the case precisely because Drew had not cooperated?

A. He had said that, yes, Mr. Weingarten.

Q. Okay. When Bud spoke to you later after the investigation began and attempted to implant a story about passing the case to files, how did he justify it to you?

A. As I stated earlier, he said that Bill Porter and Drew

Fairchild had become apprehensive because the case had not been brought to a conclusion because Watkins was still at large. Of course we expected to get Watkins back and did get Watkins back on the 26th of January.

Q. Did you interpret his words about Porter to be the excuse that he wanted you to give to the federal government and the grand jury if in fact you ever appeared?

A. Wait, I don't understand the question.

Q. Did you interpret his words, his explanation for the passage to files as he justified it in connection with Porter to be the excuse he wanted you to pass along to the federal goverrment?

A. Yes.

Q. And did you believe him at that time?

A. No.

Q. Did you suspect there was something else behind Bud's passing this case to files?

A. Well, I certainly did.

Q. I think you testified that Watkins jumped bond in Texas on May 19th, or bond was revoked on May 19th, 1983?

A. Yes.

Q. Do you recall when he actually jumped bond?

A. Apparently they finally, I think a hearing was scheduled for the 4th of May, another hearing the 19th of May, another hearing the 24th of May, so it was during that time frame. I did not personally go over to Dallas, Texas to go to the extradition hearing, but he did not show up for court and finally the court --

Q. Was that failure to show up reported in Mississippi?

A. Yes, it was communicated to Terry Martin, who was a deputy in the Forrest County Sheriffs Department, and he communicated that to us.

Q. Do you happen to know whether or not that stirred up any publicity?

A. If it did I didn't see it.

Q. Okay. Mr. Fawer asked you some questions about contact with the federal government and its response in connection with these approaches Bud Holmes made. Is it fair to say that the day after your contact with your aunt you contacted the FBI here and spoke with Don Lawless?

A. Yes.

Q. What day of the week was that?

A. Friday.

Q. And is it fair to say that three days later I met with you in Magee, Mississippi, and you discussed with me the situation?

A. June 4th of 1985, although at that time, prior to that time I had Mr. Montague communicate to these people that I would not respond to threats of any kind, that had the effect of, thank heavnes, defusing the situation.

Q. Mr. Frank Montague an attorney here in Hattiesburg?

A. Yes.

Q. Is it fair to say he in no uncertain terms spoke with Bud Holmes, said Katie Matison will not be threatened, she will be interviewed in my presence and only in my presence, is that a fair statement?

A. Yes.

Q. And is it fair to say that that terminated the problems that you were experiencing?

A. It terminated them because we published them, the fact this had transpired, and the communication of any threats ceased, although antagonism continued.

Q. The antagonism continued?

A. Antagonism continues through today.

Q. Following our meeting, the FBI interviewed both your father and interviewed your aunt?

A. Yes, they did.

MR. WEINGARTEN: Okay. Thank you very much.

THE WITNESS: Thank you.

REDIRECT EXAMINATION

BY MR. FAWER:

Q. One or two questions, Ms. Matison. One, in that, as I understand it, the only thing going on in the May 82 period, can you focus on that for a moment?

A. Certainly.

Q. In that May 82 period as I understand it, Drew is in the hospital, I should say recuperating from his back surgery, correct?

A. Yes.

Q. And Skip, excuse me, Robert Watkins is involved in this extradition hearing in Dallas, right?

A. Right.

Q. And what's happening, you're just, you, just you are an assistant district attorney, are being kept abreast of whether or not he shows up at these hearings in Dallas, right?

A. Right.

Q. But as you've told us a minute ago, or told Mr. Weingarten, you don't recall there being any local news coverage about the proceedings in Dallas, correct?

A. No, I don't recall that at all.

Q. Good. Now, one other thing, as I understand it, the threat as you referred to it, I'm just using that as a description, concerning Dr. Aldridge, occurred in late, very end of May 85?

A. May 30th.

Q. 30th. Your discussion with the government was on February, excuse me. I'm losing track. Was on June 3rd. Did you tell --

A. June 4th. Tuesday.

Q. Two weeks later, am I correct?

A. June 4th, Tuesday.

Q. And the problem comes to an end when Bud pleads guilty two weeks later, there is never any question about your testimony after that, is there?

A. Well, no, the antagonism.

Q. I realize it, I feel, I understand your feelings about the antagonism. But the antagonism concerns your proposed testimony, am I right?

A. Well, I never had another conversation with Bud after that date.

Q. And you do know, so we don't have any problem, he pled guilty on June 18th, 1985, right?

A. Yes.

Q. Two weeks after you talked to the government, the whole underlying reason for the threat, et cetera, disappears, right?

A. Well, he did plead guilty.

Q. There is no trial any more?

A. There isn't a trial.

Q. No one is trying to talk to you about getting ready for trial after that?

A. Not after his court appearance, no.

Q. You know he enters a plea agreement with the government then, right?

A. According to the papers he did.

Q. And goes to the grand jury, correct?

A. Yes.

MR. FAWER: No other questions. Thank you.

THE COURT: Ms. Matison, you may be excused. Call your next witness.

MR. FAWER: David Massey.

DAVID H. MASSEY,

being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. FAWER:

Q. State your full name, please?

A. David H. Massey, M-A-S-S-E-Y.

Q. And where do you live?

A. I live in Laurel, Mississippi.

Q. And how long have you lived there?

A. All of my life.

Q. What is your profession?

A. I'm an attorney.

Q. Where do you practice?

A. I practice law in Laurel, Mississippi, and have for about the last fifteen years.

Q. What's your age?

A. I'm 40 years old.

Q. Tell us a little bit about your background, where did you go to college?

A. I went to Jones Junior College in Ellisville, Mississippi. After that I went to Millsaps College, graduated from there in 1967 and attended Tulane University in New Orleans, Louisiana. After that I practiced law and worked with Shell Oil Company until I came back to Laurel to start practicing law.

Q. What kind of work did you do for Shell Oil Company?

A. I did mostly land work and oil and gas work, examination of title, just general things associated with an oil company.

Q. Okay. Are you in addition to being an attorney in the oil business?

A. I, on top of practicing law, mainly with plaintiff's work and oil an gas related work, I am what you call an independent oil person. I drill wells, operate wells, and have since I've gotten back to Mississippi. I buy and sell royalty, I've done that for, oh, approximately ten years. Probably fifty per cent of my income is derived from the practice of law and fifty per cent of my income is derived from being in the oil business.

Q. Okay. Have you had occasion to testify before any organizations or boards as an expert in oil and gas?

A. Yes. I am a member of the Mississippi Landmans Association, Mississippi Oil and Gas Lawyers Association. I've testified before the state Oil and Gas Board on numerous occasions. I've given evaluations and -- for estate tax purposes involving oil and gas interests in Mississippi and Louisiana and Alabama.

Q. Okay. You are not, I take it, a geologist?

A. I am not a geologist. When I was at Tulane, once you got your tuition paid for law school, you were allowed to take non-credit courses in their geology department. During that period of time I took as many as my time would allow. Since that period of time I have gone to a lot of the oil log reading schools Schlumberger has put on. During that period of time I've drilled a lot of wells which I have learned by practical experience and spending my own money as to how an oil well operates, the land leases, the drilling and the development of an oil field.

MR. FAWER:

Q. You indicated you live in Laurel. A lot of the properties that you have been involved with in Mississippi?

A. Yes. I'd say the majority of my interest has been in Mississippi. I have participated in drilling and owning ownership in Alabama and some in Louisiana. So those are the 3 primary states that I'm familiar with.

Q. Mississippi, Alabama, Louisiana?

A. That's correct.

Q. And you indicated you've been in this oil business for the better part did you say 16 years, was it?

A. Yes, you know all of my working life practically since I got out. I worked for Shell Oil prior to going to law school and while I was in law school I worked for Shell. They paid me.

Q. For purposes of your oil ventures fair way of asking it, do you have occasion to need to value property or value a given lease to determine whether or not it is a reasonable investment and the price associated with it?

A. Yes, in any business, you need to make an evaluation of something you're going to purchase or what the going price is in an area whether it be leases or royalty or whether you're going to drill a well. Certainly any person involved in the oil business would want to learn how to value something and, you know, you put in -- the oil being as risky it is, you put up your money and you take your chances but you want to try to eliminate as much as risk as possible.

Q. How do you value oil property of this type?

A. Well, the best way to evaluate something is to look at property after it has produced over some period of time if you're buying royalty.

Q. What if it hasn't produced yet?

A. Well, then you assimilate or get together as much data as you possibly can, look at adjacent wells, see what the going price is for royalty in that area and put up your money and take your chance.

Q. What kind of risk -- let's assume that a given well we've heard from -- do you know of a geologist by the name of Allen Jackson?

A. Yes, I know Mr. Jackson.

Q. He testified here yesterday and so we don't repeat a lot of testimony, he described in some degree what is done in terms of drilling a well and then testing it, okay. Assuming that has been done in a given case, does that in any way guarantee that that well will be commercially successful?

A. Mr. Fawer, there's no guarantees.

Q. Fawer, sir.

A. Fawer.

Q. That's all right.

A. There's no guarantees in the oil business. Naturally after a well has been logged and it's been tested there is an indication that it will produce commercial amounts or hydrocarbons, but there's one cardinal rule of the oil business. There's no such thing as a sure thing in this business.

Q. Let me ask you. You mentioned logs and testing. Are usually the company that does the drilling does the testing, keeps, you know, has possession of the logs and the core sample and core analysis, correct?

A. Yes. That's called the operator and that's usually one of the larger companies like Shell or Amoco or Exxon or someone like that.

Q. In your experience when those companies do those kind of things, drill wells, prepare logs, you know, the electric logs, the sonic logs, the core analysis, do they let that information to go someone who has not yet signed a working interest?

A. No, sir they do not. The oil business is made up of mainly working interest owners which you own and participate in drilling the well. Prior to any well being drilled you entered into what's called an operating agreement and you sign something called an AFE which is an authority for expenditure and if you do not do that and commit yourself, then the operator which is usually one of the major oil companies gives out no information to anyone.

Q. There are three wells that we've been been talking about in this case. One is call the Wilkie well in Mobile County at the Hatters Pond field. The second is the Ross well and the McRainey well in Covington County, Mississippi and the third is the Rogers well in the Greens Creek field in Marion County, Mississippi. First are you familiar with those three fields?

A. Yes, sir, I'm familiar with those three fields.

Q. Are you familiar simply because I have asked you to look at them or because you've had some pre-existing experience in those fields?

A. I'm familiar with those three fields from information that has been furnished to me by you and I'm also familiar with them by my ownership and by my knowledge of the trading of oil royalties or working interests the drilling of the wells in these three fields. The Hatters Pond field of which the Wilkie well is in is located in Mobile County, Alabama and it was found by Getty Oil Company. The McRainey field is in Covington County, Mississippi. I believe the Ross well is located in it. And it was tested by Union Oil of California. The Greens Creek field is I think in two different counties but mainly I believe in Jefferson Davis County or just north of Columbia and it was developed by probably I think Getty and several other people were the main operators of that field. That has the Rogers well in it that I looked at.

Q. What can you tell us about those wells -- let's talk about the wells in 1980 in February of 1980. Did you take a look at those? Did you look at the maps and the associated or the offset drilling that had gone on at or about that day or before that day?

A. Yes, I did.

Q. So the jury understands when we say offset drilling, what does that mean?

A. Offset drilling is usually after a discovery well is made in the field the operator of the field attempts to efficiently get the hydrocarbons out of that field by draining it and by drilling wells. The only way that you're going to get oil out of an oil field is by drilling holes in it. One particular well wouldn't efficiently and maximize the efficient recovery for a field so you drill wells and you sort of go out in a circular pattern until you drill dry holes which determines the limit of the field. Let me take the first one as to the Rogers well which is located in I believe Marion County, Mississippi. In that particular field, the Greens Creek field comes from north to south and as it gets down toward Columbia, Mississippi it has what you call sort of a pinch out where it sort of pinches together and then another field starts down there called Newsome field. The Rogers well was toward the south end of this particular field and to the south of it Getty drilled I believe one other producer and I participated in Getty's dry hole as well as a well drilled by Tomlinson which was due south of that. In this particular instance.

MS. LITTLE: Excuse me. I think questions are supposed to be to the witness so there's --

MR. FAWER: I asked him what he thought about that well.

MS. LITTLE: Is he still answering whether he's familiar with the well?

MR. FAWER: He's describing the familiarity with the Rogers well. Okay.

MS. LITTLE: I thought the question was is he familiar and I thought that was the answer.

MR. FAWER: I find it responsive.

THE WITNESS:

A. Trying to be responsive so that the lawyers and the jury will understand, I am familiar with this well. It's in the Greens Creek field and it's toward the south end of the field. The Newsome field is to the due south of it which I own leases in, participated in three wells that produced and a couple of dry holes in finding the limit of the field.

Q. When did these wells that you participated in the ones that were not dry holes approximately when did you participate in them?

A. They were in the 1980, 1981 right in that and this is a trend called a Hosston, H-O-S-S-T-O-N. It's a particular formation that the companies were looking for in this particular area at that time.

Q. How about why don't you look at the Ross well which is in the McRainey field tell us in terms of what information you have or you had to be able to tell us for you to be able to make some type of evaluation of the fair market value of that well back in 1980.

A. Okay. I looked at quite a bit of information that was furnished to me by you. The well completion reports, the production reports that came from it, but I was familiar with the McRainey field that it is right sort of going west past Collins and it's in a little community over there called McRainey community and that's how it got it's name. During this period of time, prior to his death I was partners with Cecil Barnett in the oil business an we attempted to drill a well on the northwest corner of this particular field and we were not able to promote that. Mainly because of I guess no better word to describe it the pitiful results that had come out of this particular field. It had not met the expectations that everyone thought that field would produce. This had been produced and drilled by Union Oil of California and this particular well that Judge Nixon acquired an interest in really was sort of like in between 2 wells and I think that both of the wells on each side of this well produced a lot more hydrocarbons than the one that's in the middle and this particular interest that we were not able to promote a well and have a well drilled in there because of the bad performance of this particular field.

Q. How about you did mention that in addition you had experience in the Mobile County or in Alabama? How did the Hatters Pond field in Mobile County?

A. I'm familiar with the Hatters Pond in Mobile County, Alabama in that I own a royalty interest in that field. I am familiar with it from the time of the first well was drilled until the time that it was unitized.

Q. What do you mean by unitized?

A. Well, unitization is a process where you take all of the wells in the field and you put them together in one unit and you attribute tract factors which each little well is given how much percentage it will have of a field. And the reason you do it is try to get as much oil and gas out of the formation as you possibly can. Quite to the contrary all of the oil and gas does not come out of a reservoir. Mainly you only get 10 to 15 percent of the oil that is in place is ever recovered. If you could get it all out, we wouldn't have the energy problems that we have in our world right now. So to maximally and to effectively recover as much of the oil and gas as you can out of the field, you do something called unitize it where everyone, royalty owners and working interest owners put their leases together and then you either pump water or inject some gas form on the sides of it and it pushes it toward the higher parts of the field and the oil and gasses is extracted out in those particularly structurally higher wells.

Q. Do I understand though if that is done and I think it was done I'm not sure one or more of these fields, I think perhaps it was done in the Wilkie well but I'm not positive, do you know off the top of your head?

A. Yes, sir. The Wilkie well was included in the unitization of Hatters Pond field.

Q. Does that have a tendency or if that happens I take it it happens after the well has already been produced might even be on line?

A. Yes, sir. Unitization only occurs after wells have been produced for a long period of time so that the effective right of recovery can be established for that rate for that well.

Q. Does it have the potential I mean somebody I take it is going to be benefiting by it somebody is going to lose by it some royalty owners benefit some loss.

Q. How do you know which you're going to fall into?

A. Well, the way they do unitization is by tract factors. They gauge the thickness of the oil and gas formation that is under your particular tract and it's assigned something called acre of feet and then they do a calculation and each one of those tracts is given at that tract factor. The Wilkie well in the south end of the field I think they only attributed half of it to be productive and it has I think a very low tract factor in the unitization.

Q. There's been some very good recovery, very good producers in the Hatters Pond field am I correct?
A. That's correct. Hatters Pond is a very good field.
Q. Do I understand correctly though that unitization is a factor which really is a potential risk for someone who's buying a royalty interest because you don't know it's one of those factors just like the fluctuating price of oil?
A. You can be unitized to your benefit and you can be unitized out of a field.
Q. Do you have any choice if a field is unitized?
A. It is ruled by a majority of the royalty owners. I believe in Alabama you have to obtain 75 percent of the working interest and royalty owners to unitize a field.
Q. To move on, you're aware, are you not, that in the Rogers well of the three wells Judge Nixon paid -- well, first of all, that he was assigned an overriding royalty interest; you do know that don't you?
A. Yes, sir. I'm aware of the information. I've looked at the documents that were provided.
Q. And that of the total 9,500 paid, 3,000 was paid for the Rogers well and 3 acre royalty, $2,000 for a 5 acre royalty in the Ross well and $4,500 for the 3 acre royalty on the Wilkie well; is that correct?
A. Yes, sir, I'm aware of that.
Q. In your opinion, first let's talk about the Rogers well.

In your opinion was the $3,000 paid by Judge Nixon a fair market well, a fair price paid for that interest in early February or let's put it this way in the early part of 1980?

A. Based upon my knowledge of the McRainey field what we call traffic and trading of royalty in that area, at that time this was a fair market value for royalty paid. It wasn't the low end of royalty and it wasn't the high end. One thing in examining the interest that was attributable to Judge Nixon in the division order it appears that he was only credited for like 3 acres rather than the 5 acres that was purchased so somewhere along the line someone's made an error in that.

Q. I think that's been acknowledged by Skip Jarvis. You're talking about the Ross well?

A. Yes, sir.

Q. I think that's been acknowledged.

A. Okay.

Q. Somebody owes the judge. Unfortunately that's the poorest producer of the three wells?

A. Better for Judge Nixon if that had been in the best well but it's not.

Q. In any event, moving on from the Ross well how about the Rogers well when he paid $3,000, excuse me, the first well we talked about was $2,000. The Ross well and he got 5 acres and that's where there's a mistake and he only collected royalty on 3; is that what you understand?

A. That's correct.

Q. But you do believe that was fair market value?

A. Yes, sir.

Q. How about the Rogers well? He paid $3,000 for 3 acres. Was that reasonable or fair market value, the high end, the low end? How would you assess it?

A. Based upon my knowledge of the value of royalty being sold in this area at this time in the Hosston play, it is my opinion that this was a fair market value for the interest that he purchased. Again, it's not the low end which I know some trades for $500 an acre and it wasn't the high end which there was some trades for more than that but in my opinion this was fair market value.

Q. You talk about trades a little bit the way as if there's a trading of it similar to the way you may have trading on a stock market. I realize it's not as grand as all that but there is trading in these interests by the people who are interested in this; is that right?

A. That's correct. The term trafficking and trading in the oil business people go out sometime and buy a royalty interest from land owners or maybe way before a well is drilled and, you know, at the end as if the well gets hot in the area or there's some shows or something like that, then they sell off a portion of that or they may sell all of it. It just depends on, you know, whether their need for money. But this is a term called trafficking and trading and royalty and overriding royalty.

Q. Before we go on to the Ross well, you've talked about the $2,000 paid in February of 80. By February of 81, I think you would agree from looking at the records the well was on line; am I correct?

A. Yes, I think that's correct.

Q. That well ultimately as we know ultimately did very poorly, would you assess that as a more valuable royalty interest in 1981 or less valuable?

A. You mean approximately a year after --

Q. Year later from the first date you gave your evaluation, let's say in February 81, by that time the well is in production?

A. Well, the amount of money paid for that interest reflected the fair market value in 1980 when the purchase was made. If you look at the performance of the, I believe the Ross well, the value would decrease greatly.

Q. Talking about the Rogers well, you told us you thought it was a fair market value in 1980 of three thousand dollars for three acres. It is not on line by February of 1981. I think that's a fair statement -- I hope I'm correct.

A. That's correct.

Q. Going on line sometime months later in 19, I think in late 1981, sometime in 19, subsequent to 1981. First, looking at what, based upon your experience, was that well, was there anything to suggest that that well a year later, in February 81, would have been worth more than the three thousand dollars?

A. In my opinion there would been no change in value because the well was not in production. What happens in the oil business quite often from buying royalty interests and overrides, there is like anything else, there is an interest of when something is about to produce or maybe produce or there is a show or somebody says this is a hot area, and then after something is shut in, maybe just a test, there is no market for it, well any time you make an investment, money doesn't start flowing out of it, the value of what you have paid has gone down. There is a lowering of interest. The value would have been the same a year later, the value would have only truly been established after you've had a long period of time.

Q. Which couldn't have begun, there was no, production didn't begin until mid to late 1981 on that well, is that correct?

A. That well was not produced I believe until like September of 1981. That's when the authorization to transport gas and oil from this was filed with the state oil and gas board.

Q. Could you tell us in February 81, was that well shut in?

A. In February of 1981, yes, it was not producing.

Q. Okay. How long, from your point of view, how long would you want to see a well in production to be able to evaluate how good the well really is?

A. Okay. In my opinion, I would say you would need at least six months period of production to properly evaluate a well. I said this because I've seen wells side by side that would, one would produce more, one would produce less. There is a lot of factors that go into it, the thickness of the pay, the porosity, the type of completion you had, whether you had what they call formation damages, when the mud that you drill a well gets up and stops up some of the porosity. A lot of times you can't complete a well because you don't get what they call a cement job, the pipe is placed in the ground and a company called Halliburton usually cements it. If that's not properly done, water goes from one zone to the other and you have a lot less out of one well than you do the other.

Q. Is that when you have the, need to squeeze the well?

A. Sometimes you have to squeeze them. Sometimes you can't ever squeeze the channel off, the only alternative is to abandon that particular zone or drill you another well, which becomes quite costly, also delaying in getting production.

Q. By the way, was there five squeeze jobs done on the Rogers well?

A. I think in looking at the summary it was squeezed some five times, yes.

Q. Let's turn finally to the Wilkie well in the Hatters Pond field, you say became, ultimately with 20-20 vision was, had some good producing wells in there, is that correct?

A. That's correct. Out of all these purchases I examined, the Wilkie well appears to be the best.

Q. The most, forty-five hundred dollars was paid for it, most of the three, there was a three acres overriding oil royalty, how would you assess it's valuation, fair market value of it in February or early 1980?

A. Based upon my knowledge of the Hatters Pond field, the consideration paid for this was fair market value.

Q. Low end, high end, how would you say?

A. I'd say again it was sort of right in the middle, it wasn't low end and it wasn't top end, fell in that middle range.

Q. How about a year later? Be much difference? Was the word out on the wells on that field, was there some serious interest in it, what's --

A. I think a year later you could possibly have given it a little more valuable than you could have, you know, at that particular time.

Q. Okay. Once again though the total, if you take this as a collectively ninety-five hundred for in effect eleven acres in the three wells, totaling it up, in your judgment, did Judge Nixon pay fair market value for these properties?

A. Okay. In my opinion, looking at these three wells, the Wilkie, the Rogers and the Ross well, taking into consideration the amount of money paid, it's my opinion that fair market value was paid for these three properties.

MR. FAWER: Thank you very much. Would you answer their questions?

CROSS-EXAMINATION

BY MS. LITTLE:

Q. Mr. Massey, I'm Jan Little of the Department of Justice.

A. How do you do, Jan; glad to meet you.

Q. Mr. Massey, you mentioned that the best way to establish the value of a well is by looking at production, actual production?

A. That's the best way. If you can have a period of production that you can look at, then you can determine sort of the characteristics of a well and how it's going to produce, and your reservoir declines.

Q. Of course if the well is not yet producing, you mentioned that you can look at comparable prices being paid?

A. I say you could evaluate it, if there was a well say close by that was producing, you could take a comparable well. Or you can look at the value ot what's been trafficked and tracing and how much royalty or override is worth at that time.

Q. Isn't it true there is a third and even more accurate way to evaluate, that's by the result of the electrical log tests and core data?

A. The best way in the world is by looking at a period of production.

Q. If the well is not producing?

A. If the well is not producing, then you go back, scientific way of evaluating the well. You will look at the electrical logs and the data accumulated in the drilling of the well.

Q. Have you performed any scientific tests?

A. No, I have not. I base my evaluation on what was sold in the area, the value at that particular time.

Q. Are you aware that electrical logs were run on each of these wells in the early part of 1980?

A. I am aware electrical logs were run. Some of these wells have been shut in and had not been produced, is that correct?

Q. Are you aware of that in January of 1980 electrical logs were run on the Rogers well?

A. That's correct.

Q. And that in March of 1980 logs were run on the Ross well?

A. Correct.

Q. And that in February of 1980 the logs were run on the Wilkie well?

A. That's correct.

Q. Is it fair to say that once the logs are run that gives you sort of a picture of the well, gives you an idea of what geology is in the well, isn't that right?

A. All electrical log does is tell you that there is the presence of hydrocarbons in a particular formation.

Q. Hydrocarbons is gas and oil?

A. Gas and oil. I call it hydrocarbons. All the electrical log does is read the resisticity of that particular oil bearing formation at that particular interval. It tells you that there is a possibility that oil and gas is present in this particular interval that you have logged.

Q. In other words, it tells you whether there is oil there or not?

A. It tells you whether there is oil there or not, the presence of it. It does not tell you whether you can get it out. There's been a lot of shows in this world, I mean by world, I mean like all over, Indonesia and various other places, electrical logs have shown indications that oil and gas is there, pipe has been set, and then there is something called perforations where you shoot a hole in the pipe, oil and gas has not been proudced in commercial quantities. A log is a good tool, but it's not definitive as looking at a period of production when you actually get it to the surface and you get your check in your hand.

Q. Certainly agree with you there. Isn't it fair to say if the logs show the well to be a good well, nine times out of ten, it will be a good well, is that correct, fair to say?

A. No, I don't think that's fair to say. I'd say logs, you can rely upon them to a great extent, but again, a log is only a tool to tell you that oil and gas or hydrocarbons is present. You've got to go some steps further, you've got to set pipe in the well, Okay. That's putting casing down, cementing it in. Then you have to run tubing in the well, then you have to perforate it, and hope that the pressures are greater in the reservoir enough to bring hydrocarbons to the surface, and then you even have problems in the gas wells in that you have to find a market for your gas, otherwise your well is shut in. I think in several of these, I think all of them weren't oil wells, that you had to have the production facilities to sell your gas. And then you have to sell your gas and have a contract, build a pipeline which is even a further delay, then put them on production for a period of time and then you could say that you had a good well.

Q. Have you reviewed the electrical logs for these wells?

A. I have not.

Q. You haven't reviewed any geological data?

A. I have not.

Q. Isn't it fair to say, though, once the electrical logs have been done and there is some indication of what's in the well, that does effect the value of the well in the market, isn't that right?

A. I'd say the electrical log is a tool you can use to evaluate whether --

Q. Isn't it more than a tool? Isn't that a magic moment when the logs come out, when the geologists know whether it will be a good well or not?

A. Not -- I'd say the magic moment in the oil business to someone like me that's an independent is when you perforate the well and you get oil and gas to the top of the ground and place it in some receptacle that you can sell it. Taking that magic moment a step further, the magic moment is when you get the check from the company that buys it from you.

Q. I'm sure we all agree there. You would agree with me, would you not, that the more information you have about the well, the better you can make a judgment as to its value?

A. That's correct. There is no doubt about it.

Q. Certainly once you know something about the field, that reduces its risk, is that right?

A. Well, the more data you gather in any oil field, the better that you can determine whether you're going to make a commercial producer of oil and gas.

Q. Certainly once you have the logs and the core data, that would reduce its risks?

A. Once you have logs and you make interpretation of those, if you have core data you make interpretation of those, this gives you a better indication of whether or not after you set pipe you'll make a well.

Q. With respect to the fair market value figures you have given, isn't it fair to say there were people that were paying much more than that at the time?

A. I believe my opinions said that this was sort of the middle range. There was some trades for lower amounts of money that I'm aware of, and have knowledge of; there was some for greater amounts of money.

Q. Again, I take it the discrepancy is based on how much information the particular purchaser or seller has, right?

A. Well, that question sort of reminds me, we have a person in Waynesboro named Noland Clark. Mr. Clark --

Q. We don't know to hear about Mr. Clark.

A. Let me finish the point on how you value things. His statement was Mr. Clark, how do you, what's this worth, he stutters a lot, a-a-are you buying or you s-s-selling? So I think that you got to look at the market place to determine whether you buying or whether you're selling.

Q. Certainly sometimes people pay too much if they don't know about the well, they can be taken advantage of, is that right?

A. Yes, that's true.

Q. Sometimes people can sell for too little, they can be taken advantage of without the requisite information, that's true, right?

A. That's true.

Q. So information is really the name of the game?

A. Information and good luck and the finality of having a producing well to look at for a certain period of time is what makes the oil business.

Q. Arms length buyers, the person with the most information really has the advantage?

A. Well, that's true to an extent, but people armed with a lot of information, you know, sometimes have sold, and information is erroneous, it turns out to be good and that works in the opposite direction, too. But naturally the person with the most information always has an advantage in a deal.

MS. LITTLE: May I have just a moment? Nothing further.

REDIRECT EXAMINATION

BY MR. FAWER:

Q. Mr. Massey, first, do I understand correctly that just in terms of what Ms. Little was asking you, the logs, when she is talking about a magic moment, if Exxon is doing the drilling as I think it may have done, perhaps it was -- I have the wrong name, in the Wilkie field. When they, have a disaster?

A. It will dry up.

Q. No hydrocarbons?

A. No, wet.

Q. In any event, when they drill and they have the log analyzed, okay. Do they publish it -- the Wall Street Journal notified of what the -- what the analysis is?

A. No, most companies run what they call tight holes, which little or no information -- they even, most companies even restrict your access to the drill site. Unless you are a working interest owner, in most deals that may give you access to the derrick floor.

Q. Okay. I take it until you have, unless you've signed a working agreement you don't have access, that's one, right?

A. That's correct.

Q. As to the rest of the world, are there times when there are orders making, in effect sealing or making confidential all of these logs and core analysis?

A. Companies put out what they call tight hole orders which no information gets out. The rules of the state oil and gas board of Mississippi and Alabama is once a log is filed or any data, it's not released, published for a six month period of time after the well is completed.

Q. One subject I forgot to ask you about, I want to mention it before we stop in the two more minutes -- in the oil and gas business, to your expertise, your experience over the last sixteen years, both as a lawyer who deals in that field and as an oil and gas trader of interest in those files, is backdating something that is common?

A. Yes, that happens all the time.

Q. Tell the jury the circumstances, when you say all the time?

A. A lot of deals in the oil and gas business are consumated on a handshakes or, you know, will you sell me five acres of this, and when a well is drilled, completed, there is usually a long lag time in it, and the reason it is, I know a lot of people blame it on oil companies, when you have something called a division order or title opinion, which like in a 640 acre gas unit, covers interest in that 640 down to the point 0000, you know, you take it far out. And it's part of that is curative work, so there is usually an accumulation of production in producing wells before anyone ever gets a check, and most instruments or assignments or conveyance of interest, if the well hadn't been in production for a sufficient enough time, usually the date that's placed prior to when the well was completed or sometimes even further to take care of not having curative requirement, you put this instrument is effective date of first runs. That let's the oil company or purchaser of that, be a gas company or whatever, tell that person that whoever has got that interest gets it from the first time that well produced. Otherwise, if you had an instrument dated, you had made a deal, you had an instrument dated two or three years later they are going to come back and make a requirement as to what particular time did this occur, so to take care of that, most instruments are put before and dated before production or when the deal was made or the statement first runs.

Q. One other question, you have indicated that oil and gas royalty interests in these things fluctuates over a period of time. I think that was part of what your testimony was, is that right?

A. Correct.

Q. I take it that traders will deal with a handshake, is that correct?

A. That's correct.

Q. Do you find in your experience, is there anything improper if a handshake is agreed upon on say, just for arguments sake, February of 1980, papers aren't drawn up until eight, ten, eleven months later, the dating back to the date of handshake, is that something that's unusual in the industry?

A. No, that occurs quite often in the oil business.

MR. FAWER: No other questions.

MS. LITTLE: No questions.

THE WITNESS: Am I excused, Your Honor?

THE COURT: Yes, you are. We'll recess until nine o'clock in the morning.

(Recess.)

(End of Volume 12.)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

UNITED STATES OF AMERICA

V. CRIMINAL ACTION NO. H85-00012(L)

WALTER L. NIXON, JR.

BEFORE: The Honorable James Meredith
Senior United States District Judge

DATE: February 5, 1986

PLACE: Hattiesburg, Mississippi

VOLUME 13

DAVID A. SCOTT
COLLEEN O'CONNOR
SCOTT & O'CONNOR
COURT REPORTERS
Post Office Box 2202
Jackson, Mississippi 39225-2202

MR. FAWER: Mark Carlson, please.

MARK C. CARLSON,

being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

MR. FAWER:

Q. Would you please state your full name?

A. Mark C. Carlson.

Q. And where do you reside?

A. Jackson, Mississippi.

Q. And what are you by profession?

A. I'm an attorney.

Q. How long have you been an attorney?

A. I have been in practice of law since 1983.

Q. And where did you graduate from?

A. Mississippi College.

Q. Upon graduating from college, what did you do?

A. Upon graduating from law school?

Q. From law school.

A. I took a position as law clerk as Judge Walter L. Nixon, Jr.

Q. During what period of time -- when was that?

A. That would have been from May of 1981 to April, May of 1983.

Q. Very generally could you tell us what the duties of a law clerk are to a federal judge?

A. Yes. Law clerk is essentially the judge's right hand man. He does anything that is necessary in assisting the federal judge with respect to his judicial duties. He does extensive legal research, he has dealings with the attorneys who may be appearing before the judge on behalf of the court. He makes sure the judge is apprised of any matters that the court needs to be aware of including scheduling, motions, trials. He essentially is the judge's right hand man.

Q. In connection with the two year period that you were with Judge Nixon, did you work closely with him?

A. Very closely. I was the only law clerk at that time. Judge Nixon now has 3 law clerks and for a period of time there was only one.

Q. Just so the jury understands, what is in terms of the case load nationwide, how does the southern district of Mississippi rate? At least how did it rate when you were there?

A. It's my understanding at the time that I was Judge Nixon's law clerk that we had the highest case file per judge of any district in the nation. We --

Q. I'm sorry. Go ahead, sir.

A. It's my understanding and I believe it's a matter of administrative record that we were also first in complexity of cases and had a very high disposition rate.

Q. Did that put a particularly great strain on the judge and yourself?

A. Absolutely. Judge Nixon is a very fine judge. He in my opinion has one of the finest legal minds I've ever encountered. As a result, he expected his law clerk to be fully prepared. Judge Nixon was always wanted to be prepared for any matter he was handling from the smallest motion to the largest case.

Q. Let me ask you. In terms of you got to I take it having spent two years in his working with him almost every day correctly?

A. That's correct.

Q. Did you have occasion to assess any matters relating to his decisions and the cases, what was his memory like?

A. He has an excellent legal memory excellent.

Q. What do you mean by that excellent memory?

A. When Judge Nixon reads a case that is a case that may have been reported as precedent that may have been submitted as part of a motion or some legal matter before the court, he normally has to read that case one time not only has the facts in his mind but the law. This is particularly important because many times he will have to read eight or ten or twelve cases.

Q. Are judges in the course of every day work called upon to make decisions which make very fine distinctions between various issues that come before him?

A. Absolutely.

Q. Aside from his legal work, what type of -- how would you describe his attentiveness to the rest of his life; his involvement in his other affairs, let's say his personal business affairs?

A. Judge Nixon did not discuss his personal business affairs with me. He I don't believe paid that much attention to his personal financial affairs. His secretary was primarily responsible for handling those personal financial matters such as the letters, paying of bills, household bills and things like that.

Q. What kind of -- in terms of the burden or the pressure you're on, you being very candid, what kind of a boss was he? I mean how tough was it working for him?

A. It was extremely tough. Judge Nixon, because of his wanting to be prepared fully for every matter that we went into, put a great deal of pressure on me as the law clerk. I was doing just about anything with respect to preparing the judge, helping him be prepared for any matter that came before him. He expected -- since he had such a fine legal mind, he expected his law clerk to respond accordingly.

Q. How would you -- how did you come away from that two years experience?

A. I think clerking for a federal district judge and particularly Judge Nixon was an experience, was a great experience, an experience that I could never duplicate in any other capacity.

Q. What's your feelings about him?

A. About Judge Nixon? He's my friend, my mentor. I respect him as a judge. He's a fine man.

Q. Let me ask you something. There was one case as I understand it while you were there that may have been a more important -- I shouldn't say more important, more complex, had greater significance than perhaps any civil case that has been in the Southern District of Mississippi, maybe in the courts or the nation in a long time. Do you know what I'm referring to?

A. Yes.

Q. What is it commonly called?

A. The asbestos case.

Q. Tell the jury very simply what the asbestos case is or was?

A. At that time and still pending in this district cases were being filed on behalf of workers at Ingalls Shipyard who had been exposed to asbestos. The claim centered on the exposure and they contracting of a disease called asbestosis. That was a latent disease. In other words, he may have been exposed in 1940 but the disease may not manifested itself until later, on until 1970. At the time I was with Judge Nixon we had a number of asbestos cases and I don't have the distinct recollectio but in the neighborhood of 800 to a thousand pending asbestos cases.

Q. Each case representing another plaintiff?

A. That's correct.

Q. Who was the defendant? What wasn't Ingalls, was it?

A. No, Ingalls was not the defendant.

Q. Who was it?

A. Usually the defendant would be the manufacturer of asbestos.

Q. Go ahead.

A. At the time I was with Judge Nixon, no cases when I first came with Judge Nixon, no asbestos cases had come to trial. The particular case was filed on behalf of a man who had worked around asbestos in Ingalls. This would have been the first case dealing with the asbestos issue to be tried in Mississippi. It was a particularly complicated case. At that stage of my tenure with Judge Nixon, it was by far the most complicated case that we had tried. This would have been first part of 1982. We were particularly concerned because this case would have had a present impact on the disposition of the other cases. It was not unusual when we would have pretrial motions relating to this case that we would have 50 or 60 attorneys in the courtroom. It was a highly visible case, a highly complicated case and a case that required the court to do inordinate preparation.

Q. I think you indicated there was one case that was being picked out?

A. Yes.

Q. Is that the Jackson Versus Johns Manville?

A. Johns Manville and other defendant, that's correct.

Q. That as I understand it this was a test case but the issues to be litigated would effect all these others?

A. Absolutely, yes.

Q. You know John Roper?

A. Yes, I do.

Q. Who is he?

A. He is the United States magistrate.

Q. And what role in the pretrial proceedings did John Roper play?

A. Judge Roper handled exclusively almost handled the pretrial matters relating to discovery.

Q. Now do you recall when the case was set to begin? When I say to begin, when jury selection was to again?

A. Jury selection was to begin in the middle of May. I believe it was May 11th or 12th. Possibly 13th of 1982.

Q. Let me show you -- indulge me a moment, Your Honor. I have the record we can save time I assume there's no quarrel what date. The record reflects the jury selection began the the morning Wednesday the 12th, okay. The trial itself was scheduled to commence the following Monday, Monday morning do you recall that?

A. Yes, I do.

Q. What was the three days Wednesday, Thursday and Friday set aside for?

A. That was set aside for jury selection in the case.

Q. Now prior the previous week, do you have a recollection whether or not Judge Nixon was ever in Biloxi?

A. He was not in Biloxi. He was at the Fifth Circuit Judicial Conference in San Antonio, Texas.

Q. Was it your normal practice to sit down with Judge Nixon for any periods of time before a major case was going to be tried?

A. Yes. Part of our custom and practice in the office would be for me to pull the jury instructions and the pretrial order for the judge to review. This was normally done the Friday preceding the Monday that a case was to begin.

Q. Jury the voir dire which the jurors in this case are familiar what we're talking about began on Wednesday morning at 9:00 or so and ended the end of the day on Thursday. That's what the record reveals?

A. Yes.

Q. Do you recall offhand what occurred the next morning?

A. It's my recollection that we had certain motions in limine Friday morning.

Q. Was Judge Nixon and did Judge Roper and Judge Nixon were they both present during the entire voir dire?

A. Yes.

Q. And the next morning at the motions that were still needed to be decided in this case were they also both present?

A. Yes.

Q. Do you have any specific recollection after that the balance of that day, do you have any specific recollection of what you did that afternoon?

A. No, I do not.

Q. Had you prior to that day engaged in or prepared Judge Nixon for cases that were coming up the following Monday? Had you developed a routine as to your preparing him or discussing with him issues in the upcoming case?

A. It was our custom on Friday to if possible if our schedule permitted us to sit down and discuss certain factual and legal issues that may be raised at the trial to begin on Monday.

Q. Do you have a recollection without saying when this occurred of doing that with respect to this most major of all cases?

A. This was on almost an ongoing process. Judge Nixon commented often that no case was small, but certainly this was a very important case which required extensive significant preparation because of complicated legal issues.

Q. So that I understand correctly, the trial began on Monday. Some pretrial motions that had been left over heard the Friday morning, correct?

A. Correct.

Q. And that Friday afternoon you do not sit there and have a specific recollection but your custom was to use that afternoon in discussion with Judge Nixon?

A. It was our custom.

Q. You'd worked there for two years?

A. At that time I had been with him about a year.

Q. Excuse me, a year. Both before that and after that you still stayed for another year?

A. Yes, I did.

Q. During that period of time, did Judge Nixon spend time in holding court in other areas of the southern direct?

A. Yes, he did.

Q. Including Hattiesburg?

A. That's correct.

Q. Other than at time he would be in Hattiesburg for the holding of court, have you ever known him in the 2 year period to simply go up to Hattiesburg on any type of business just for half a day and come back?

A. I don't recall him ever doing that.

MR. PAWER: Would you indulge me one moment, Your Honor. I tender the witness..

CROSS EXAMINATION

MR. WEINGARTEN:

Q. Good morning Mr. Carlson.

A. Good moaning.

Q. My name is Reid Weingarten. I don't believe we've met before. Were you familiar or do you become familiar in your services of a law clerk about Judge Nixon's personal life?

A. Very little.

Q. And I take it from your testimony on direct that you certainly didn't know much about his business life?

A. No, I did not know about his business life.

Q. Did he discuss his investments with you?

A. No.

Q. Did you have any idea who he was investing with?

A. Not really. It was my duty in the mornings to pick up the mail and occasionally I would, you know, see maybe some correspondence or something but it was only my duty to pick it up and open it. Other than that, we did not discuss investments.

Q. You didn't discuss the substance of his business life?

A. No.

Q. And certainly not the substance of his personal life?

A. There was no need to.

Q. There's a wall generally speaking between a law clerk's relationship with the judge, and the wall is the legal business; is that fair to say?

A. Yes. Judge and I maintained a friendship relationship with most of his law clerks but I did not discuss my personal business with him nor did he with me.

Q. Do you know Bud Holmes?

A. I've met him. I know who he is.

Q. Did he used to come down to chambers?

A. Where? Biloxi?

Q. Yeah.

A. Very seldom.

Q. What does that mean?

A. Over the two years I was with the judge, I probably saw Bud Holmes in Biloxi 2 times or less.

Q. All right. On what occasions would he show up?

A. I can't answer that. I don't really know.

Q. Was it apparent to you when he did arrive that he and Judge Nixon were very close friends?

A. I knew they were friends. I can't say how close they were.

Q. How did you know that?

A. Well, he would come in the office and the one or two times he would come down he would come in the office and want to see Judge Nixon and I don't know if he had a prearranged appointment. The judge's schedule was such that most persons would make an appointment to come see him. I can't answer whether he had a preset appointment or not but I knew they were friends.

Q. Did you know whether or not there was telephone traffic between the two men?

A. What do you mean by telephone traffic?

Q. Talking on the phone back and forth.

A. I believe they talked on the phone at times.

Q. When Bud Holmes came down to Biloxi on those occasions, did he demonstrate a great deal of familiarity with the judge?

A. I can't really say he demonstrated a great deal of familiarity because, you know, I would see him walk into the office, I would be busy in my office, I might not be present when they were exchanging pleasantris or anything.

Q. You just don't know?

A. I don't know.

Q. This asbestos case, can I have Defense Exhibit 30. I hand you what's been marked as Defense Exhibit 30, already admitted. What is that, sir?

A. It appears to be the clerk sheet.

Q. Are these the, does this clerk sheet memorialize the pretrial motions Mr. Fawer was asking you about?

A. Would you indulge me a moment? I haven't seen this. It appears to be, yes.

Q. You haven't seen that before?

A. I've seen some of the attachments on the back; I haven't seen this particular clerk sheet before.

Q. That's sort of a summary, the top sheet on Exhibit 30 is a summary of the time of the events in court, is it not?

A. For a time period, yes.

Q. Okay. And following that, I guess the second page continues the process, and then the third page begins a discussion of the motions, is that a fair statement?

A. I think that's a fair statement.

Q. Do you have a specific recollection of what happened in court that day?

A. I don't have a specific recollection. I just recall we had motions in limine that particular day.

MR. FAWER: Talking about May 14th?

BY MR. WEINGARTEN:

Q. Yes, on May 14th.

A. Yes.

Q. Is it fair to say the proceedings in court took place from about nine o'clock in the morning to ten-thirty in the morning?

A. According to the clerk sheet they did, yes.

Q. Is that consistent with your recollection?

A. Generally, it's been about almost four years ago. It was an extremely busy period of time.

Q. I'm not testing you, believe me. Does it strike you as an unfair estimate of time?

A. No.

Q. I guess it's your testimony you don't have a distinct recollection what you did for the rest of the day?

A. Only that we were extremely busy.

Q. All right. Do you have personal knowledge whether Judge Nixon was in Hattiesburg, Mississippi on Friday, May 14th, 1982?

A. No.

MR. WEINGARTEN: Thank you, sir.

MR. FAWER: I have no other questions, thank you.

THE COURT: Thank you, sir. You may step down. Call your next witness.

MR. FAWER: Judge John Roper.

JOHN M. ROPER,

being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. FAWER:

Q. Would you please state your full name?

A. My name is John M. Roper.

Q. Where do you live, sir?

A. I live in Ocean Springs, Mississippi.

Q. And what is your profession?

A. I am United States Magistrate for the Southern District of Mississippi.

Q. And how long have you been magistrate?

A. I have been United States Magistrate ten and a half years. I was appointed in 1974, I took office in 1975.

Q. Okay. Can you take us back a bit, tell us where you received your law degree from and when that was?

A. Yes, after finishing Auburn University -- I'm originally from Greenville, Alabama -- I went to Auburn for four years, attended law school at Tulane University in New Orleans.

Q. You graduated when?

A. I graduated in 1968. I came back to Alabama and took and passed the Alabama bar exam. I went back and worked in New

Orleans at Mellry Boys Home, a juvenile delinquency institution, where I had worked all through law school. I left there in the summer of 1969, I came at least to Mississippi in the summer of 1969.

Q. Why did you come to Mississippi?

A. I was employed as law clerk to United States District Judge Walter L. Nixon, Jr.

Q. For how long did you remain as his law clerk?

A. I remained his law clerk approximately six years. Although my appointment to magistrate was in 1974, I remained as his law clerk until the funds were approved and I had been fully investigated and took office in the summer of 1975.

Q. So as a practical matter your legal career is working for Judge Nixon as his law clerk?

A. Yes.

Q. And then you became magistrate, which you've been since that time?

A. That's correct.

Q. Do you hold any positions -- is the Magistrate's position, it's an appointed position, am I correct?

A. Yes, magistrate position is appointed position. I was appointed in 1974 by then Chief Judge Dan M. Russell, Judge Harold Cox and Judge Walter Nixon.

Q. Those were the three judges in the southern district?

A. Those were the three judges in the southern district. It's an eight year appointment. It's changed, the method. For reappointment or appointment now you have to have the recommendation of a committee of lawyers and lay people. I went through the committee process again in 1983, Dr. Aubrey Lucas in fact headed that committee. After he evaluated me, recommended me for reappointment, I was reappointed at that time. My present term will expire in 1991, I guess.

Q. Do you hold any position among the magistrates in this country?

A. Yes. I've been director for the 5th, and at the time 76, I was 5th and 11th, it's separated or split since that time, for four years. I've been an officer for three to four years, and I will become president elect of the National Counsel of United States Magistrate in June of this year. This is the organization that represents all magistrates throughout the United States.

Q. Very briefly, what does a magistrate do as opposed to what a judge does? Could you just give us idea?

A. United States Magistrate handles all the preliminary aspects of a case, whether it be federal felony case or misdemeanor case or civil case. In a felony case the magistrate will issue the search warrants, arrest warrants, hold all the preliminary hearings. He will not try the felony indication. Magistrate will try all misdemeanor cases. In civil cases the magistrate handles all the discovery work, prepares cases for trial. If the attorneys consent, the magistrate can try a civil case the same as a district judge and the appeal is to the Fifth Circuit Court of Appeals.

Q. Okay. Let me --

A. Does require consent.

Q. Let me direct your attention to the period 1980 -- well, period 1982, 80 to 82 or 83, can you tell us something about what the docket was like in the Southern District of Mississippi? How heavy was it in comparison to other places around the country?

A. For about five or six years in a row the docket in the Southern District of Mississippi had the highest case load per district judge of any district in the entire United States. We were number one I think for about five or six years. We also are number one in the number of complex cases. Would add we were fifth in disposition rate.

Q. Why was it that there was this area down here in southern Mississippi that was so heavy?

A. Beginning in the late 70's we began to receive the first of what has been called asbestos cases. These are cases arising primarily out of Ingalls Shipyard where workers were exposed to asbestos products back beginning in the 40's, 50's, and 60's. Asbestosis, which develops from this exposure, is a strange disease. It may not even manifest itself for ten, fifteen or twenty years. We began receiving a large number of these cases in the late 1970's, and I think by the end of 1981, we had over five hundred pending, were expecting quite a few more, which has happened. We now have twenty-five hundred asbestos cases pending.

Q. Around the end of 81, you tell me when it occurred, did there come a time when a decision was made to try the first of the asbestosis cases, use it as a test?

A. I had been assigned by Judge Russell to handle actual discovery in the asbestos cases, Judge Nixon had been assigned to hear the dispositive motions, he was going to try the case. We decided that the best way to get these cases moving was to try a test case, so that we began to make plans to try a test case, which would set the precedent perhaps for the other cases, in late 1981, began making plans to set it for trial in May.

Q. May of?

A. Of 82.

Q. Was it set for trial in May?

A. Yes, it was ultimately set for trial in May of 1982. I think the case was set for May 17th, jury selection was to begin on May 12th.

Q. May 12th being a Wednesday preceding the Monday which would have been the 17th?

A. That's correct.

Q. This case was so important, how many weeks did you set aside beginning on May 12th for the jury selection and trial of this case?

A. We did not have any idea how long the jury selection was going to take. It was a district wide jury, in other words jurors were called in from all over the state. The jury was going to be sequestered. In order to perhaps expedite the jury selection Judge Nixon and I decided we would send out questionaires in advance. So the jurors had their questionaires in advance, filled them out.

Q. This is the one area these people know what you're talking about. They have all had questionaires, all gone through voir dire. That basically --

A. My point was we reviewed these questionaires, a number of jurors were excluded before they actually came to the courthouse, so this expedited the process.

Q. How many days did you expect the process to take?

A. We don't know. At least take the rest of the week. I show, my calendar, we set aside at least three days. If we had not finished we would have gone perhaps to Saturday or the next week.

Q. Three days would have been the 12th 13th and Friday the 14th?

A. That's correct.

Q. If necessary even beyond that?

A. Yes.

Q. Had you and Judge Nixon cleared your calendars for that purpose?

A. Yes. I had cleared my calendars for, beginning that week, that Wednesday for approximately five or six weeks.

Q. Okay. To your knowledge had Judge Nixon done the same?

A. Yes.

Q. Were you both going to actually sit beginning through the voir dire and through the entire trial?

A. Yes. It's very unusual, we do not sit together except in extremely major cases or significant cases. This was one. I had handled all the discovery, I had handled with him all the dispositive motions. We felt because this case was not just to focus on Mr. Jackson, who was the named plaintiff, but all the rulings which were made in this case would apply to all the other five hundred cases which were pending, so the preparation for this case also prepared the other five hundred for -- hopefully for trial to begin in rapid succession thereafter.

Q. Okay. The week prior, let me ask you this first. Had you, did this case require of you and Judge Nixon a certain amount of study and discussion in preparation for the beginning of the trial?

A. Certainly did. This was the first asbestos case to be tried. It applied to all the cases. The lawyers in all cases pending were before us on every motion. There were literally thousands of exhibits to examine, depositions had to be prepared, numerous pretrial motions. The determination of voir dire questions had to be looked into, every free minute was spent in preparation of this case. Of course other court business had to go on, too.

Q. The week before, can you tell the jury where were you and Judge Nixon the week prior to the beginning of jury selection?

A. We were both in San Antonio, Texas, attending a judicial conference which we're required by law to attend.

Q. Did any preparation go on that week?

A. No.

Q. The following week on Monday and Tuesday, were you involved in other court business unrelated basically to asbestos?

A. My calendar shows I had misdemeanor court all day on Monday. I had civil motions in other cases all day on Tuesday.

Q. Okay. You were, do I understand you were involved in those matters with Judge Nixon or he was off --

A. I was not with him.

Q. Do you know what he was doing?

A. No.

Q. He was not with you and you were not working on the asbestos case?

A. Right.

Q. Wednesday morning the asbestos voir dire begins, right?

A. Yes.

Q. Tell us how long it lasted. Did it go through the three days or end shorter?

A. Yes, I think basically because of what I've already outlined, all questionaires had already been filled out, the lawyers had been given questionaires in advance, knew specifically which questions they wanted to ask, so the voir dire process moved very expeditiously. We had a jury selected by late Thursday afternoon.

Q. As a result of it going so quickly, was any decision made between Judge Nixon, yourself and the lawyers with respect to any pending motions, pending, in limine motion -- tell the court?

A. Right before a case begins you have what you call in limine. Basically these are evidentiary, questions on what can come into evidence, deal with the opening argument. We had about eleven or twelve of those which needed to be heard before we could start the case on Monday. We determined to hear those on Friday.

Q. Was that something you had prearranged or simply because the time became available?

A. Simply because the time became available. We had no idea how long it would take to select the jury. We would have done it Monday or Tuesday or Wednesday of the next week if we had not finished jury selection.

Q. Did you hold those motions the following morning?

A. Yes.

Q. Judge Nixon and yourself both present?

A. Yes.

Q. We have here Defendant's Exhibit 30. I don't know if you have seen this as such. Can you identify basically what those documents are, that collection of documents?

A. This is a deputy clerk sheet which indicates the time that the -- any judge spends in the courtroom and the time he spends in chambers when lawyers are present and a motion is being heard. Those would be the only records which would be kept of a judge's time as such.

Q. Fair to say there was an hour and a half, according to these records, approximately hour and a half in the courtroom on Friday morning, May 14th, dealing with these pending last minute motions, is that right?

A. Approximately one hour and a half, from nine o'clock until ten thirty the deputy clerk shows, sheet shows we were in chambers dealing with these motions.

Q. Okay. And I take it this is the Friday preceding the beginning of this trial?

A. Yes, it is.

Q. Was this, as far as you were concerned, the most major trial that there was in the Southern District of Mississippi so long as you've been there?

A. Certainly was. The asbestosis cases comprised about a fourth of the docket. Now they comprise well over half. It was a very significant case. We were spending a great deal of time in preparing for it. Spent nights preparing videotape depositions, viewed the videotape and the court reporters were prepared in advance so they could be shown at trial.

MR. FAWER:

Q. Do you have a recollection of what you did after these motions for the balance of that day?

A. I do not.

Q. Do you have any record in your own personal diary or court record of any matter that you would have dealt with?

A. No, my calendar simply shows I had reserved that day for jury selection. Of course, the court calendar shows we heard these 11 motions and 5 of them were ruled upon. Two were reserved to trial and 4 have no real indications of how they were ruled upon according to these sheets. These 4 dealt with certain testimony in depositions would be admissible so this testimony would have been to be examined before trial.

Q. Would the decision on that kind or an issue be something that you and Judge Nixon would need to discuss?

A. Yes.

Q. Do you have a specific recollection of being with Judge Nixon for the balance of that day?

A. I do not.

Q. Do you have any recollection much what you did yourself that day?

A. I do not.

Q. Based upon your best recollection of your pattern of what you did in handling cases of this magnitude particularly, what is your best understanding of what you would have been doing for the balance of that day?

MR. WEINGARTEN: Object to that, Your Honor. The witness testified he has no recollection what he did that day. The pattern of it is not appropriate.

MR. FAWER: I think it is.

MR. WEINGARTEN: I think it's not.

MR. FAWER: Under the rules of evidence, you cannot have pattern of custom introduced under the rule. I brought out from the witness. He knows he has no specific recollection of what he did that afternoon. He knew he had a major trial coming on the following Monday morning. They still had some in limine motions they needed to resolve and matters to take care of and I'm just asking him based on the absence, based on the factors as they existed what did he believe he was doing that afternoon. That's all. Now that's no more. It's probative. The weight of it is for the jury to determine.

MR. WEINGARTEN: I object, Your Honor. He says the witnesses has no recollection.

THE COURT: If he doesn't know what he did, I sustain the objection.

MR. FAWER:

Q. Were there matters -- let me ask you this. Did you have other matters that needed to be dealt with unrelated to asbestos on the each of the asbestos cases?

A. Any time before you began a large trial, you have to take care of all matters which may come up during the course of that trial. We had set aside for this a month for this trial. Court does not stop.

Q. Had you handled other cases which again on is Monday the normal day for trials to begin?

A. Yes.

Q. Of what significance is the Friday afternoon preceding a Monday trial in your normal unrelated to the asbestos case, unrelated to this case? What do you normally do Friday afternoon before trial?

MR. WEINGARTEN: What this judge does normally on Friday before the Monday of trial it's irrelevant.

MR. FAWER: I think it's perfectly probative.

THE COURT: If he doesn't remember what he did what he may have done on other cases, it has nothing to do with it.

MR. FAWER: He does remember what he did. I'm asking what is his normal practice what we would do on a Friday preceding a Monday trial.

THE COURT: I'll sustain the objection.

MR. FAWER:

Q. Let me turn then to -- by the way, how long did the trial did it start on Monday the asbestos trial?

A. Yes.

Q. How long did it last?

A. Lasted approximately three and a half weeks.

Q. And jury trial, of course?

A. Jury trial, yes.

Q. Verdict for whom?

A. Verdict was for the plaintiff. Actual damages I think approximately 400,000, punitive approximately 600,000.

Q. 400,000 actual, 600 punitive damages?

A. Yes, against the remaining defendants.

Q. Has that decision ultimately been recently upheld by the Fifth Circuit?

A. Yes, sir. This month Fifth Circuit of appeals made en bank decision district court decision and all the evidence rulings that were made those things that were appealed from has been affirmed by the total court.

Q. Let me turn to something else. You indicated you spent five and a half or six years as Judge Nixon's law clerk or worked with him or let me ask the last decade you have worked with him as U. S. Magistrate?

A. Yes I have. My work is divided between what most of the time we have some new judges. It's been divided all 3 judges at least one-third is spent with his cases and working with him.

Q. Can you tell us what type of how would you describe Judge Nixon's not so much as dedication but how much of his time is spent devoted to the practice of being a judge?

A. I would certainly think that he is there over 50 hours a week in devoted to the practice of being a judge.

Q. I guess I wasn't really asking just for the time. But in terms of his involvement I mean what I'm trying to determine for you to tell the jury or let the jury get your assessments of his involvement intellectually in the process of being a judge and cases that are before him?

MR. WEINGARTEN: Respectfully object to relevance, Your Honor.

MR. FAWER: I think the may nature, the character of this human being is an issue here and I have a right to adduce that and a right to ask the questions under the Federal Rules of Evidence.

MR. WEINGARTEN: I think character questions may be this witness's opinion about Judge Nixon's interest or involvement his judgeship I think is far outside the scope.

MR. FAWER: His opinion is precisely what under the amended rules permit.

MR. WEINGARTEN: His opinion about his judicial involvement.

MR. FAWER: Just waiting for a ruling.

THE COURT: I'll sustain the objection.

MR. FAWER:

Q. Tell us you've already told us about how heavy a case load he had. Tell us in terms of you spent all this time or substantial period of time are you able to tell us to what degree Judge Nixon paid any attention or devoted attention to his own personal financial affairs if you know?

A. Judge Nixon when he became involved in a case based upon my personal experience with him became totally preoccupied with that particular case. He would spend a great deal of time preparing for the case and getting ready for it. However, he was not and is not a very good administrator. He leaves those details for persons in whom he has confidence. He places a great deal of responsibility on those he has trust and can carry them out.

Q. Did that include yourself when you were his law clerk?

A. Included myself when I was law clerk and now as magistrate. District judges my assign any matter he desires to a magistrate.

Q. I take it you probably, is it fair to say that there's nobody in terms of the profession who has worked closely with him for a longer period of time; is that true?

A. That is probably true.

Q. Tell the jury what is your impression of him as a man of integrity.

A. I think Judge Nixon is an outstanding judge. He has a brilliant legal mind. He's a person in my opinion of excellent moral character and of the highest integrity.

MR. FAWER: Thank you very much. Would you answer Mr. Weingarten's questions.

CROSS EXAMINATION

MR. WEINGARTEN:

Q. Morning, judge.

A. Morning.

Q. I'm Reid Weingarten. I don't believe we've ever met.

A. No, we've never met.

Q. Can you say whether or not Judge Nixon went to Hattiesburg, Mississippi on that Friday after jury selection?

A. I cannot testify as to whether he went to Hattiesburg or not. I can only tell you what --

Q. You just don't know?

A. I do not know.

Q. Would you know whether or not Judge Nixon went turkey hunting soon before the asbestos trial?

A. Let me add, I would add this, if he had left me with all the work, I may have remembered it, but I do not have any recollection on that Friday afternoon.

Q. Well --

A. Nothing stands out about that day and I'm testifying I do not recall it.

Q. Maybe we're merging questions. You don't recall Friday afternoon what you were doing?

A. I do not.

Q. Or what Judge Nixon was doing?

A. I do not.

Q. Do you recall an occasion prior to the asbestos trial when Judge Nixon went turkey hunting?

A. Judge Nixon is an avid hunter and I'm sure during the season he got away as much as he possibly could.

Q. Do you know when turkey hunting season is in Mississippi?

A. No, I'm not a hunter.

Q. Is Judge Nixon a turkey hunter?

A. Yes.

Q. Is it fair generally speaking turkey hunting season is in the spring?

A. Yes.

Q. Is it fair to say Judge Nixon frequently went turkey hunting at property owned by Larry Crow?

A. I don't know where he went.

Q. Where does Judge Nixon go turkey hunting?

A. I said I don't know.

Q. You have no idea?

A. I don't know. He goes to various places but I've never been hunting with him and I simply do not know where he goes.

Q. He's never discussed that with you?

A. He may have discussed it but I frankly don't remember where he indicated he might have gone turkey hunting. He sometimes goes to Alabama. He sometimes goes to various places in this state. I don't know where they go exactly.

Q. Is there a place up by Vicksburg that you know?

A. I'm not aware of that. It may be. I simply don't know.

Q. Have you ever heard of Eagle Lake?

A. I've heard of Eagle Lake.

Q. Does Judge Nixon go there turkey hunting?

A. I don't know. He may.

Q. Do you know Bud Holmes?

A. Yes.

Q. Do you know whether or not Bud Holmes is a close personal friend of Judge Nixon?

A. They've been good friends for a number of years, yes.

Q. Have you seen them together?

A. Yes.

Q. Are they on a first name basis?

A. Yes.

Q. Is there telephone traffic between the two men?

A. Yes.

Q. Do they travel together?

A. On occasions, yes.

Q. Does Bud Holmes come down and visit the judge in his chambers?

A. I have not -- of course, you understand I was not on the same floor with Judge Nixon and have not been for 10 and a half years. I have seen Bud on occasion on the Coast but.

Q. Is there any doubt in your mind that the two men are very close personal friends?

A. They're very good friends, yes.

MR. WEINGARTEN: Thank you, sir.

RE-DIRECT EXAMINATION

MR. FAWER:

Q. You're on first name basis with Bud Holmes; is that right?

A. I think probably every lawyer in this district on first name basis with Bud Holmes.

Q. Aside from that, you understand that the judge and Bud Holmes were friends?

A. Yes.

Q. You began working for the judge in 19 --

A. 69, yes.

Q. As long as you can remember, tell the jury the judge as far as you know go turkey hunting every season from that point till today?

A. No, he did not. The schedule simply did not permit that. I guess I can answer you best this way. I didn't understand it until I became a judge myself like you you don't know what it's like being a father until you are a father, but it is necessary in my opinion for a judge sometimes to get away to reflect on legal matters and not to have to make the major decisions we have to make. I'm simply saying whenever we can get away we try to do that.

Q. Perhaps you didn't get the trust of my question.

A. Perhaps not.

Q. As long as you've known Judge Nixon, has he been an avid hunter always? Has he always as far as you know someone who goes turkey hunting when he can?

A. Yes.

Q. As long as you've known him has he been going turkey hunting during the turkey seasons when he could get away?

A. As long as I've known him.

Q. So that from this 1960 I think you stated?

A. 1969.

Q. Right until today, if he could get away in each of those turkey seasons in each of those years he would have tried to go turkey hunting?

A. That's correct.

Q. And is it also fair to say that as long as you've known him or virtually I take it that as long you have known him to have been a friend of Bud Holmes?

A. As long as I can recall, yes.

MR. FAWER: Thank you. No other questions. Thank you very much.

THE COURT: Thank you sir. You may step down.

MR. FAWER: Could me approach the bench?

THE COURT: We'll recess till 1:15.

(Recess)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

UNITED STATES OF AMERICA

V. CRIMINAL ACTION NO. H85-00012(L)

WALTER L. NIXON, JR.

BEFORE: The Honorable James Meredith
Senior United States District Judge

DATE: February 5, 1986

PLACE: Hattiesburg, Mississippi

VOLUME 14

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THE COURT: Proceed.

MR. FAWER: Call Walter Nixon.

WALTER L. NIXON, JR.,

being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. FAWER:

Q. State your full name, please?

A. Walter L. Nixon, Jr.

Q. When were you born?

A. December 16, 1928.

Q. Where were you born?

A. Biloxi, Mississippi.

Q. And what were the names of your parents?

A. Walter L. Nixon, Sr., sand Hazle K. Nixon.

Q. Walter, Sr., was he, was he raised in the Biloxi area?

A. Our family was. His family was, yes. He was three years old when he came back to Biloxi. I think his parents happened to be in New Orleans when he was born.

Q. Was there a period of his adult life he served in some political elected position in Biloxi?

A. Yes.

Q. What was that?

A. He was a member of the Harrison County Board of Supervisors for sixteen years, from 1923 through 1939.

Q. When did he die?

A. Died in 1960.

Q. Okay. Is your mother still alive?

A. No, she is deceased. She died in 1965.

Q. Did she grow up in that same area?

A. Yes.

Q. Was she basically a housewife her entire life?

A. Yes, until she and dad married -- I understood they married late in life, and she worked in the, assisted her father, my grandfather, who owned and ran, operated one of the first little grocery stands they called it, Harmon's Fruit Market on Howard Avenue in Biloxi.

Q. She died in the mid-60's?

A. 1965.

Q. Where did you go to school?

A. Attended grammar and high school in Biloxi. I went to, attended my first year of college was at Marion Military Institute in Marion, Alabama. I had a principle appointment at the naval academy, decided not to make the Navy a career, I went on, I was going to study chemical engineering, then changed my mind the second year of college, decided to study law. I went to LSU my next year and then attended Tulane law school and graduated from Tulane University with a law degree in 1951.

Q. Do I understand correctly you entered law school with only two years of college training?

A. That's correct.

Q. And then got your degree and had in effect a combined degree?

A. Yes.

Q. It was in 1951 that you got your law degree?

A. That's correct.

Q. What bar associations are you a member of?

A. Harrison County Bar Association, the Mississippi Bar Association, and the Louisiana Bar Association.

Q. Did you begin by taking the bar in Louisiana?

A. I took it in 1951 and was admitted and came back home to Mississippi and took the Mississippi bar exam in 1952 and was admitted to practice here.

Q. Okay. For a short period of time did you work -- were you employed as a lawyer working in someone else's law office?

A. Yes.

Q. And did there come a time in 1953 when you were called to active duty?

A. Yes, I was called to active duty during the Korean Conflict, served with the United States Air Force. I'm now retired reservist of the Air Force.

Q. How long you were on active duty?

A. Two years.

Q. What period of time was that?

A. From February 1953 to February 1955.

Q. Okay. Upon returning did you come back then to the Biloxi area?

A. Yes.

Q. Tell us about your practice after that?

A. I established my practice as a sole practitioner, and I practiced by myself and took in an associate in about 19, I'd say 64 or 5, approximately three years before I came to the federal bench.

Q. So from, when you came back out of the Air Force in 55 through 19 -- what year was it when you went on the bench?

A. Went on the bench in 1968, I became United States District Judge.

Q. For those 13 years I take it you were in private practice, in sole practice?

A. Yes.

Q. What kind of practice was it?

A. It was a general practice of law. I did mostly civil work, and I guess you would say 70 per cent of it was personal injury work representing plaintiffs, injured people.

Q. Okay. Did you at any time while you were in private practice run for elected office?

A. Yes, I did, one time unsuccessfully for supervisor, which was the same post my father had held years before.

Q. You were not elected?

A. That's correct.

Q. Were you in any way active in politics during that period?

A. At times. At various times I became active in some campaigns, never has really a campaign manager for anyone, but I supported some national and state and local candidates at various times.

Q. Okay. When, in the 1940's, at the end of 1940's did you get married?

A. 1949 during the second year of law school.

Q. While you were still in school?

A. That's correct.

Q. What was the name of your wife?

A. Darnell Holt.

Q. Do you have any children?

A. Yes, two children by that marriage.

Q. Okay. When were they born?

A. Karen was born in 1950 and Walter, III, was born in 1954.

Q. Okay. Subsequently were you and Darnell divorced?

A. Yes, in 1974.

Q. Okay. Did there come a time after that when you remarried?

A. Yes, in 1976.

Q. And whom did you marry?

A. I married Barbara Castello.

Q. Barbara Castello Nixon?

A. Yes.

Q. Your wife is seated in the courtroom?

A. Yes.

Q. Second from the right?

A. That's correct.

Q. And you were married in what year?

A. 1976.

Q. Okay. When you met, was that Barbara's first marriage or she already had a family before that?

A. She had a family. Her first husband is now deceased.

Q. Did she have children by her first marriage?

A. Yes, four.

Q. What ages were they when you were married?

A. Chari was 7, Shay was eleven, ten or eleven, and Shelley was 12 and Joe was 13. Four children.

Q. Okay. Where did you live, where did you take up residence when you were married?

A. Initially in Barbara's home in Ocean Springs. Then we purchased a home shortly thereafter -- we still reside there.

Q. In Ocean Springs?

A. In Ocean Springs.

Q. And the children of Barbara's first marriage, did you institute a proceeding in Chancery Court so that their names are now Nixon?

A. Yes, they are. I did.

Q. And did there come a time after you were married you and Barbara had a child yourself?

A. Yes, Courtney.

Q. Courtney was --

A. Courtney Kathleen was born in 1977.

Q. So as I take it then you had, you have five children, four of whom, five children in the sense that, two from a prior marriage, four from Barbara's prior marriage, and Courtney, who is your child?

A. Seven all together.

Q. Seven all together. I guess it's a lucky number?

A. I hope so. It has been for me.

Q. Tell us about your being -- you became a federal judge you said in 1968?

A. That's correct.

Q. First of all, is that an appointed position or an elected?

A. Its appointed by the President of the United States with the concurrence or confirmation of the Senate. It's a lifetime appointment.

Q. You were appointed to that position in what district, what federal district?

A. Southern District of Mississippi.

Q. How old were you when you were appointed?

A. 39 years old.

Q. At the time was there any younger member of the federal judiciary that you know of?

A. My understanding was that at the time I was appointed I was the youngest federal judge in the United States.

Q. The Southern District of Mississippi at the time comprised how many and still does, how many counties of Mississippi?

A. 45 of the 82 counties.

Q. And those would be the 45 southern most counties, the bottom half of the state?

A. Yes, I'd say the northern most counties as you look across the state would be Noxubee, Holmes, Issaquena, Sharkey, Warren, Lauderdale.

Q. Who are the other -- there were other judges in the Southern District at the time you were appointed?

A. Yes, there were two.

Q. Who were they?

A. Judge Harold Cox, who was chief judge, and Judge Dan Russell. The position I was appointed to was a third created position.

Q. Okay. And at that time what is your best recollection as to what your salary was when you were appointed?

A. Best of my recollection it was $42,500 a year.

Q. The last year prior to that, prior to 1968, in your last full year of private practice, do you have any recollection of what your taxable income was?

A. Yes, I very vividly remember that. It was approximately $220,000. A year.

Q. That was your taxable income or pretax income. Did you have some substantial debts at the time as well?

A. Yes, I did.

Q. Obviously I take it you were going to be taking a substantial cut in salary, talking in terms of take home pay, by becoming being a federal judge?

A. From my taxable income of 220,000 to $42,500.

Q. Okay. Tell the jury why, I mean you obviously realized, everybody knew, you knew it was 42 thousand, right?

A. Correct.

Q. Why did you want to become a judge?

A. Because I think it's the ultimate for any lawyer, it's what a, most lawyers aspire to be.

Q. And did you?

A. Yes, I very much did.

Q. Okay. Tell us the cities in which you sit as a federal judge in the Southern District of Mississippi?

A. We have five established divisions which are Biloxi, called the Southern Division; Hattiesburg, which is the Hattiesburg Division; Meridian, which is the Eastern Division; Vicksburg, which is Western Division, and Jackson, which is called the Jackson Division. In addition we're authorized to hold court in and I do sit in the state facilities in Natchez.

Q. Very infrequently, though?

A. Yes. About once a year.

Q. All right. Let's turn to, and again, you became a judge in

1968, and I take it for the most part aside from perhaps a burgeoning calendar, the mechanism, the court set up all stays constant the next dozen years or so, is that correct?

A. That's correct.

Q. What was your, in that period of time as a federal judge, tell us a little bit what your staff is like?

A. Well --

Q. First, where were you headquartered?

A. I was headquartered in Biloxi. Three judges shared cases equally at that time in all five divisions. In other words, each of the three of ~~us~~ had one third of the docket in each division.

Q. Okay. Just before we come to that -- let's stay with that. In 1968, what do you recall that shared case load to be, approximately?

A. Approximately eight hundred civil cases and, I don't know how many criminal cases, not a great number.

Q. What has that grown to now?

A. Over four thousand cases.

Q. Shared by?

A. Three judges until we just got a fourth on board this last year, same number of judges.

Q. Coming back now to your staff, the people with whom you work, who is on your staff? Yourself as the judge, correct?

A. Yes. My secretary.

Q. One secretary? One secretary?

A. One secretary. I was authorized two law clerks until recently. I just opted for one, plus a bailiff, because of extensive travel that we did, I would have one, called a bailiff or court crier, non-lawyer who would travel with me. I in effect had one law clerk. One deputy courtroom clerk assigned to me, such as Zola here is in the courtroom, and a court reporter at that time, such as David, my court reporter was assigned to me at that time.

Q. As a practical matter, virtually with the exception of the secretary, you see in this courtroom the equivalent of what you had as a staff, meaning judge, a courtroom deputy, a law clerk, a court reporter and a secretary at the desk, is that right?

A. Yes.

Q. Plus one other individual?

A. Right.

Q. That's the way it was for this whole period of time?

A. Yes.

Q. That's the staff with which you functioned?

A. Plus a court crier or bailiff.

Q. Okay. In addition, are there, were there at the time what is known as U. S. magistrate?

A. I didn't understand the question.

Q. You have what's called a U. S. magistrate?

A. What about it?

Q. Did you have a magistrate in the Southern District of Mississippi?

A. Yes, we had two full time magistrates.

Q. What is the role of a magistrate?

A. A magistrate performs various roles such as you heard Judge Roper describe here earlier. They handle petty offenses, misdemeanors, they do a great deal of non-dispositive pretrial work in civil cases, they try civil cases with consent of attorneys, and do a lot of other work. They work hard in our district and do a great job.

Q. Let's talk for a moment about what your time, how it's broken down in some general ways. For the most part, what is your time, what do you do? I mean we recognize a judge tries cases. Is that fair to say that only represents a part of the time?

A. That's sort of the tip of the iceburg. We spend most of our time reading briefs, doing research, with the help of our law clerks, dictating opinions, hearing motions, mostly, usually dispositive motions. Holding pretrial conferences, listening to lawyers argue motions pretrial and posttrial, et cetera.

Q. Okay. Do you spend a certain amount of your time in conferences with lawyers who have cases before you?

A. Yes.

Q. Are you required to attend each year a certain number of workshops and seminars?

A. We are not a required to attend workshops and seminars but they are very helpful and we do. The only thing we're required by law to attend is the circuit judicial council.

Q. That runs for approximately a week each year?

A. Approximately four days each year.

Q. As a judge, approximately how much time each year would you take, pure vacation with your family?

A. Two weeks.

Q. In addition to that, is there something, any other hobby you have?

A. My wife can attest to the fact I'm an avid hunter.

Q. More of an obsession that a hobby?

A. I guess you could say that. I grew up hunting with my dad, bird hunting, started going when I was about nine or ten years old.

Q. Would you try to get away as often as possible to do some hunting?

A. I would, and still do, as often as I can.

Q. What kind of hunting do you like to do?

A. Deer hunting, turkey hunting, bird hunting particularly, also I do a little dove hunting, duck hunting. I like to do it all. I can't fit it all in; I do some at various times.

Q. Where do you do most of your hunting?

A. Usually about 35 miles north of Biloxi in the Red Creek

Wildlife Management Area. I hunt in Copiah and Claiborne County around Barlow; some in Warren County, and some in Alabama, Sumter County just east of Meridian.

Q. Let me turn to another subject for a minute. Your financial affairs, for the most part, when it comes to your household finances, who handles that?

A. My wife Barbara.

Q. With respect to any other financial aspects that you might have, your salary, any business accounts you have, keeping track of your tax matters or matters that you need to deal with on your tax returns, credit cards, travel vouchers, who handles that?

A. My secretary.

Q. Between your secretary and your wife is that basically where the financial matters are controlled or handled?

A. Yes.

Q. Do you personally deal with that on a day to day basis?

A. No.

Q. Have you ever really since you were a judge?

A. Except to sign checks at the office, of course.

Q. With respect to the preparation of your tax returns or any financial disclosure statements or financial statements that you need to have prepared, who have you traditionally had do that for you?

A. I have had a good friend who's now deceased. He's a certified public accountant named Charles Logan. Today I have another C.P.A. firm that does that work. I employ them to do all my tax return and financial disclosure statement and what have you.

Q. Please try to keep your voice up. You're trailing off. Can the jury hear it all right?

A. I'm sorry. I'll try to speak up.

Q. In any event, let me just ask you for a moment about the preparation of these returns, disclosure statements. With whom would normally Mr. Logan let's say before he died -- by the way, when did he die, in 1982?

A. Yes.

Q. Prior to his death, when he wanted to get information to get the preparation of the tax return and disclosure statement, who would he work with basically?

A. My secretary.

Q. And would you supply her basically or would she have an ongoing matter, that kind of information?

A. Yes.

Q. Turn just to another subject for a minute. You indicated there was a fair amount of travel in the southern district by the federal judge; is that right?

A. Extensive travel.

Q. About how much of your time would actually be spend in Biloxi?

A. I'd say approximately 45 to 50 percent.

Q. And where would the other 50 percent let's say or more of your time spent?

A. Well, the greater majority or the remaining time in Jackson and I'd say Hattiesburg and Meridian and Vicksburg in that order.

Q. As a practical matter, I take it then when you were away from Biloxi no matter where you go in the district you pass through Hattiesburg; is that basically true?

A. Yes.

Q. Is that a fact that you have to come through Hattiesburg to come back to Biloxi or to go to any one of these cities?

A. In order to travel the interstate Highway 49 the best route, yes, and that's the route I always travel.

Q. One question now with respect to cases that if I'm going to file a case as an attorney or someone else who's an attorney wants to file a case in the southern district of Mississippi, is there anyway of that attorney being able to know in advance which federal judge is going to handle it?

A. No.

Q. Why not?

A. Because it's a random selection or selection that is designed to prevent that.

Q. If a case were assigned to you in which a business associate or someone you were in a business with was a party, what are you required by law to do?

A. If you're aware of it, you must recuse yourself. That is excuse yourself from the case and go to another judge.

Q. Have you done that on occasion?

A. Yes, I have.

Q. Have you done it frequently?

A. Quit frequantly.

Q. Did you have occasion in fact to do it with anything involved in this proceeding?

A. Yes, I did it with respect to a civil case that involved some litigation in connection with I think it was the Marion County well. Didn't involve in particular well, but it would have involved the income, affected the income from the entire field and, of course, I immediately recused myself from just a few years ago in Jackson.

Q. When you recuse yourself is there then a reallotment of the case?

A. Yes.

Q. Do you have any right to say to which judge it will go to?

A. No.

Q. It's put back on the wheel absent your name?

A. I think so. I don't know exactly what our procedure was at that time.

Q. But you have no control?

A. Go to another judge. I would not reassign it to anyone of my choice, no.

Q. By the way, I take it without going into great detail, would a criminal case have a similar blind allotment procedure?

A. Yes, even more so. The safeguard there was designed to be even more fool proof than civil files.

Q. For the most part is the whole allotment procedure governed by the clerk's office as opposed to the judges themselves?

A. That's right.

Q. Let's turn to some of the individuals or personalities that are involved in this proceeding. Do you know an individual or how long have you known Bud Holmes?

A. Since the early 1960's.

Q. And you both were in private practice at the time you met?

A. Yes.

Q. And have you developed a friendship over that period of time?

A. Yes.

Q. Have you done some traveling together?

A. Yes.

Q. Have you had lunch and dinner with him?

A. Yes.

Q. Had a drink with him?

A. Yes.

Q. Done some hunting with him once in a while?

A. Very little. Some.

Q. And that friendship began, as I say, before you were a judge. Did it continue after you were a judge?

A. Yes.

Q. Would you on occasion see him in court before you?

A. Yes.

Q. Where would that be?

A. Usually in Hattiesburg.

Q. Sometimes down here on the Coast?

A. Yes.

Q. I say down here.

A. Very seldom.

Q. I'm thinking I'm here on the Coast, but we're not. We're here in Hattiesburg now, right?

A. Right.

Q. We've been here a long time now?

A. Yes, sir.

Q. In any event, would you at times see him at the Biloxi courthouse as well?

A. Very seldom.

Q. Do you have as a judge, you were a lawyer before that, do you have among your friends as a judge are some lawyers friends of yours?

A. Yes, I do.

Q. Are many of your friends lawyers?

A. Yes.

Q. Do I take it you also have friends not lawyers?

A. Yes.

Q. Do some of those lawyers who are friends of yours practice before you?

A. Yes.

Q. Do you know of anything in the rules of judicial ethics or the coad of judicial ethics that suggests who is a lawyer who is a friend of yours cannot practice before you?

A. No.

Q. Do you give that person any better deal than anybody else?

A. Absolutely not.

Q. When you're in Hattiesburg, when you're here holding court, where do you live usually?

A. Usually motel unless I commute. Many times I would to be with my family at night but it gets very tiring.

Q. Do you sometimes does Barbara sometimes travel with you and stay with you?

A. Yes, whenever she can.

Q. Have you ever been at Bud Holmes's farm?

A. Yes.

Q. About how many times in all?

A. I don't know. Not a great number, but I'd say maybe 6 times, 8 times.

Q. Has Barbara stayed with you when you're out there?

A. Yes.

Q. During the period 1980 through 1984 we all know that Bud Holmes was district attorney in Forrest County, correct?

A. Yes.

Q. Did you see in him any more or any less during that period of time?

A. Less because he was not practicing law. He was full time direct attorney and they prohibit them from practicing.

Q. Would you have occasion to speak to him on the phone, you know, during the period while he was D. A. or during the course of your friendship, would you speak to him on the phone as well as see him once in a while?

A. Yes.

Q. By the way, in terms of Bud Holmes, we've heard some other witnesses testify about it, does he have any idiosyncrasy when it comes to using the phone?

A. He certainly does. I think Glen White pretty well described.

Q. Tell in your words describe it.

A. I think he has what I call telephoneitis.

Q. What do you mean by that?

A. He can't resist a telephone.

Q. When you over the years whether he's D. A. or private practice if you're visiting with him in his office at his home, would it be common or not for him to the pick up the phone and call someone else in the middle of the conversation?

A. If he didn't, he wouldn't be Bud Holmes.

Q. Let's turn for a moment let's leave Bud for a second and turn to another individual and let me just use the year 1979 as the point of reference, okay. Let's talk about Wiley Fairchild. At the beginning of 1979, had you heard the name or had you met Wiley Fairchild first?

A. I don't think I had. If I had, I didn't recall it. It may have been only in passing and I don't believe I did.

Q. Had you heard his name?

A. Yes.

Q. What had you heard about him?

A. I heard that he was in the construction business in

Hattiesburg. I think this company was in the bridge and highway construction business.

Q. Did you know anything about his involvement in the oil and gas business?

A. Not before 1979.

Q. That's basically do you know anything more about it or is that it?

A. That was more or less it at that time.

Q. How about same point as point of reference, how about Caroll Ingram? Did you know Caroll Ingram?

A. Yes.

Q. How long have you known him and what was the relationship?

A. I'd known Caroll a long time.

Q. How did you know him?

A. He was practicing law.

Q. Was he practicing law before you? Did you know him before you were on the bench? Tell us about it.

A. I didn't know him before I was on the bench. Practiced law in court.

Q. What was your relationship?

A. Frequently we would visit. When we were in town, my wife and I, Barbara, visited with him in his home with him and Annel his wife. Eat lunch with them at their house. Annual vegetable lunch that they'd have friends of theirs. I love flesh vegetables and do that socialize some with Caroll.

Q. I take it his house was in Hattiesburg; is that right?

A. Yes.

Q. Has he been to your home down on the Coast?

A. I think Caroll has. I think he and Annel has been there Christmastime if I'm not mistaken him.

Q. Where else could you see him? I sorry. I interrupted you.

A. I'd see Caroll in court and he'd visit over here at times when we were in Hattiesburg holding court.

Q. What other cities?

A. I saw Caroll in Jackson at times.

Q. Why?

A. He was in the legislature. He was in the state senate and when I was holding court up there we'd have dinner together and talk sometimes.

Q. Had Caroll to your knowledge did he hold some position in the state legislature in 1979?

A. Yes.

Q. What kind of position?

A. He was chairman of the senate judiciary committee and held other positions that I'm not aware of. He was a well thought of state senator.

Q. Was there any reason or is there any particular interest why you had occasion to discuss legislation of the state nature with him?

A. Yes. Usually conservation legislation.

Q. Is included in that the wildlife?

A. Yes.

Q. The gaming laws and things of that sort?

A. That's what I'm talking about primarily.

Q. You say you would see him in Jackson when you'd sit up there?

A. Yes.

Q. By the way, in each of the cities that you sit in, when you're in those cities as you travel around or sit, hold court, are their people both lawyers and nonlawyers when they know you're in town call you to get together and you call them?

A. Yes.

Q. Many times you travel to these cities and you're not with your wife aside from your staff, you're alone?

A. That's correct.

Q. In 1979 let's sort of stop the clock for a minute. You had been on the bench 11 years, right?

A. Yes.

Q. You at the time had 2 adult children by your prior marriage, correct?

A. Correct.

Q. You now had 5 children, 4 in Barbara's prior marriage Courtney from your own marriage, right?

A. That's correct.

Q. Those 5 children were what ages then?

A. In 1979?

Q. Yes, sir.

A. Courtney was two years old. Chari was 7, and the other 3 Shay and Shelley and Joe were 11, 12 and 13. No, I'm sorry, 13, 14 and 15.

Q. That's in 1979?

A. Yes.

Q. They're all moving except for Courtney basically moving into the teenage, either move or in the teenage years?

A. Yes.

Q. In 1979 what was your salary?

A. Best of my recollection it was about $54,000 a year. We got a few cost of living raises and maybe another raise or two.

Q. Did you have some debts at that point in time?

A. Yes.

Q. And did you have any outside source of income?

A. Very limited. I had some stock dividend. Stock I had inherited from my mother a little bank stock and some stock in a wholesale drug company that we had organized 5 of us sometime back in the 1950's.

Q. So between the little bit of stock dividend and your salary, that was the source of your income?

A. That's correct.

Q. During that period or about that period of time, were you looking for some outside investments to supplement your income?

A. Yes, I was.

Q. Tell the jury had you -- I mean from your own perspective had you neglected your personal finances up to that point in time?

A. I had and really have through out my tenure as a United States District Judge.

Q. When you were working as you work as a judge, approximately how many hours a week do you devote to your job on an average?

A. I would say on an average 50 to 60 hours.

Q. That's both at the office and at home?

A. Yes.

Q. At that time did you know of any other federal judges, federal judges, who had outside incomes?

A. Yes.

Q. Did you know of such judges who were judges your compatriots in the Southern District of Mississippi?

A. Yes.

Q. What was the source of that outside income?

A. Real estate investments and oil and gas investment.

Q. Is there anything so far as you know of, Judge Nixon, in the code of judicial ethics that prevents a federal judge from investing his money?

A. No, as long as it's in a legitimate business and, of course, in a business where you don't have any conflict of interest.

Q. When I say the code of judicial ethics, is that a written book of guidelines for federal judges?

A. Yes.

Q. Do you know anything that prohibits a federal judge from financing such an investment?

A. No, we're citizens just like everyone else.

Q. What is there -- if you make an investment, what is the, and aside from you indicated that you obviously can't have any conflict of interest, but with that exception, what's your only requirement if you make such an investment?

A. That you disclose this on your financial disclosure statement. And as of the mid 70's, congress enacted a law and the president signed into law requiring federal judges among other certain federal office holders to file each year a federal financial disclosure statement which lists all other investments, sources of income and such matters as that. We file the original in Washington, DC, we file a copy with the clerk of our court in Jackson. It's posted as a public record open for inspection to the public and I might say our news people pick it up every year and report it in the newspaper report the various assets and liabilities of the judges and their comparable worth. They rank us in worth.

Q. Financial worth?

A. Financial worth, yes.

Q. During this period of time we're in the early 1979, you've told us that you were in need or wanting to make some supplement your income in some way, did you discuss that subject with certain people who are friends, are associates of yours?

A. Yes, I did.

Q. Tell me the names of some of the people you discussed it with.

A. Caroll Ingram, Bill Pittman who was president of the First Mississippi National Bank branch on the Coast, Robert Stockett, a business friend of mine in Jackson. James Biglane in Natchez, Lee Gutierrez, Jr., long time personal friend of mine who was in the seafood packing business in Biloxi and various other people. I suddenly came to the realization in 1979 how badly I had neglected my financial condition and suddenly realized that I had children who would soon be in college and I found it necessary to try to find investments which would supplement my income. We had also one additional expense with respect to one of our children which was personal in nature.

Q. So we don't get too deeply involved as to one of the children, some medical problem that cost some additional moneys as well?

A. Yes.

Q. With respect to these people you spoke to, let's put Caroll Ingram aside because I'm going to come back to him, did you as a result of speaking to Stockett and to Pittman actually make some investments during this same period of time?

A. Yes, I did.

Q. We'll come back to that. Let's turn then to Caroll Ingram, okay. When, judge, do you first recall ever discussing that subject of wanting to make investments, supplement your income with Caroll Ingram?

A. First part of 1979. Very first part. Early 79.

Q. As best you can recall, by the way, I take it the things I am asking you and you are testifying about, you have spent some time thinking about before you got on the stand?

A. A great deal of time. I've spent a great deal of time trying to reconstruct many things and had to relate them to various events, happenings, and sometimes I can relay a date and sometimes an approximate date and sometimes generally.

Q. Let me ask you. You say it was very early 79. Where do you recall were you and Caroll when you talked about it?

A. In Jackson.

Q. You were up there. Would you have been up there in court?

A. Yes, I was.

Q. And by the way, what part of the year does the legislature meet?

A. I don't know whether it was for 90 days or 120 days at that particular time, but they'd go into session after the first of the year.

Q. The early few months of the year that the legislature meets?

A. Correct.

Q. And do you recall where you were, what were the circumstances or what do you remember about it?

A. I know we had dinner together one evening. I don't remember about the rest of it. It may have been the Red Lobster. I know at one time there we've eaten together sevearl times.

Q. Wherever you were, tell us what you said to him and he said to you.

A. Well, we were talking about our children, our families and I told Caroll that I was interested in trying to invest in something to supplement my income. I knew Caroll was not only a good lawyer but he was a successful businessman. I knew he was successful and I think he owned either an interest in or stock in a savings and loan association here in Hattiesburg and I thought various other businesses. And I was talking to Caroll and asked him if he had other friends, acquaintances at that time if he knew of a good investment that he was either going to get into himself or if there was room for someone else or if he wasn't going to get into it if he'd recommend it, I'd like to think about it and possibly have the opportunity and I told many of my friends like --

Q. Stay with the Caroll Ingram conversation.

A. All right.

Q. In that consideration, did the name of any other federal judge that you knew of who supplemented his income come up?

A. Yes.

Q. Whose name came up?

A. Judge Dan Russell.

Q. What did you tell Carroll?

A. I told Carroll that I knew that Dan, I said Dan, Judge Russell, had very good income from some real estate investments, but principally from oil and gas investments he had made with a particular friend of his, who I knew quite well also.

Q. What was the name of the friend?

A. D. A. Biglane, independent oil man in Natchez.

Q. Okay. What do you recall, if anything, Carroll saying in that context or responding to what you were saying?

A. Carroll was talking generally about difference things, he told me perhaps the -- he was talking about various banking matters that he was contemplating, banking investments, and he also told me, mentioned, mentioned the name Wiley Fairchild.

Q. In what context?

A. Just general. Carroll didn't really get specific at that particular time, but he did say that he had a client named Wiley Fairchild who was in the oil and gas business.

Q. Okay. Was there any further discussion about Wiley Fairchild at that time?

A. No.

Q. Did you, when he mentioned it, did you recall that that was someone whose name you knew, having at least heard of a person like that in the construction business?

A. Yes.

Q. After that meeting, did you do anything or have occasion to talk to anyone, to check out the name Wiley Fairchild?

A. Yes, I did.

Q. Tell the jury what you did.

A. I checked with a couple of people. I think Bud Holmes was one of them, because I knew him quite well, he lived in Hattiesburg. I asked what they knew about Wiley Fairchild. More particularly, his success in the oil and gas business and generally.

Q. And what were you told?

A. I was told that he was very successful in the business, and told that he was a businessman who made many charitable contributions, he was interested in politics and made contributions to quite a few candidates, that he had a good reputation as a person and as a businessman, and that his reputation as an oil and gas man was very good, his success rate was very good.

Q. Did you ask people besides Bud, Bud, others, what they thought of the idea of your investing with Wiley Fairchild?

A. Yes, I did.

Q. And what if any response did you get?

A. Said they didn't know a better man you could invest with as far as that particular industry was concerned, that is from a possible success standpoint.

Q. Okay. Based upon what you learned, did you speak to Carroll, call him, see see him, what did you do?

A. I called Carroll I think. I know I either saw him again or called him not long after, few weeks after I first talked to him.

Q. When is this period of time, when are we talking about?

A. I'd say spring of 1979. Perhaps early spring.

Q. Okay. Tell us what you said to him, what he said to you?

A. I reminded Carroll of our conversation, that he had mentioned Wiley Fairchild's name in passing when we were talking about the investments. And I asked Carroll, since I knew Mr. Fairchild was a client of his, if he would have the opportunity to mention to Mr. Fairchild that I would like to invest with him if possible, especially if Carroll knew of something good, and whether he would, if he had the opportunity, find out if there was a possibility.

Q. What was Carroll's response?

A. Carroll said he would be happy to do that, would get back in touch with me.

Q. Did you mention to him how much or what the parameters were in what you were interested in investing?

A. Yes, I told Carroll I thought I could arrange to borrow about ten thousand dollars.

Q. Okay. Did that basically, I mean I assume you had other chitchat on the conversation, on that subject, basically what you recall?

A. Yes.

Q. Okay. Did you hear back from him immediately?

A. No.

Q. Did a period of time go by?

A. Yes.

Q. Did you call him on several occasions about it?

A. Yes.

Q. Okay. Why did you call him?

A. I called him because he said he was going to talk, see what -- talk to Mr. Fairchild at his earliest opportunity and get back with me and I hadn't heard from him.

Q. Did you have any reason -- let me put it another way. Were you interested in finding out from him whether you could invest with Wiley Fairchild?

A. Yes.

Q. How many times do you think you called him?

A. I couldn't count them. Wasn't a great number of times, I'd say possibly a couple of times.

Q. Did there come a time when he called you?

A. Yes.

Q. And approximately when was it?

A. I think it was about the summer of that year.

Q. Summer of 79?

A. A few months after I had talked to him, the second time.

Q. Tell us what he said to you?

A. He told me that he had had the opportunity to talk to Mr. Fairchild and that Mr. Fairchild would be delighted to try to put me into something that could possibly supplement my income.

Q. Was anything else said at that time?

A. Yes, he told me at that time that Mr. Fairchild had mentioned something about mineral interests generally, he was going to put me in, would be delighted to look into it.

Q. Did he give you any information further than that time, or was he just telling you he had mentioned it to Wiley Fairchild and that he would be back to you?

A. He just mentioned he would be back with me.

Q. Okay. Did you hear from him shortly thereafter, or did a period of time go by?

A. Period of time went by.

Q. Did you call him?

A. I talked to Carroll another couple of occasions, yes.

Q. Did you perhaps see him as well?

A. Yes, usually be when I would see Carroll. I called him once or twice too, I believe.

Q. Did there come a time when he contacted you, either in person or by telephone?

A. Yes.

Q. And when do you think that was? Best recollection?

A. Best recollection was about the -- late 79 or early 1980. Probably late 1979.

Q. Okay. And tell us what you recall Carroll saying to you when he called you?

A. When he called me he told me that he had had an opportunity to sit down and talk to Mr. Fairchild, and that Mr. Fairchild had decided that he would put me into, put me into three different wells or mineral interests, and he named the counties, Covington and Marion County, Mississippi, and Mobile County, Alabama.

Q. Okay.

A. And I asked Carroll what the total cost would be to me, he told me ninety-five hundred dollars.

Q. Did you --

A. I asked him what he thought about the investments. He didn't know much about them, but he had a lot of faith in Mr. Fairchild's acumen, or ability in that field, oil and gas business, he thought it was, he reminded me, however, very definitely it was a risk. I told him I was well aware of that.

Q. Okay. Was there any discussion as to when you needed to come up with the ninety-five hundred dollars?

A. Incidentally, I told him I was certainly willing to take that risk at that time.

Q. Okay.

A. I asked Carroll, I asked him when we could conclude the matter, and told him please give me some advance notice so I could arrange my financing, borrow the money in other words.

Q. What was his response?

A. He said he would do that, get back with me.

Q. All right. This you believe, the best of your recollection is in the late part, very end of 1979?

A. I think so. Either that or the very first part of 1980, very early 1980.

Q. Let me ask you this. In this courtroom, well, let me withdraw that. Did there come a time when, well, first, did you hear right back from Carroll Ingram?

A. No.

Q. Did you call him?

A. I think I did call Carroll.

Q. Okay. What if anything did he say to you?

A. He told me, I asked him when we were going to conclude the matter, and the last time I had talked to him about it, that period of time, he told me, he said as soon as he heard something from Mr. Fairchild, he said he's the kind -- he's the kind you don't rush in those type matters, he'll take his own sweet time was the words he used. I told him fine.

Q. Did there come a time when you met Wiley Fairchild?

A. Yes.

Q. You've heard in this courtroom that Wiley Fairchild said that the first time you met him was not until sometime in 1982, do you recall that testimony?

A. Yes.

Q. I recall Carroll Ingram saying he thought the first time he brought the two of you together was sometime shortly after the execution of the instruments in 1981, do you recall that?

A. Yes, I do.

Q. What's your best recollection of when you first met Wiley Fairchild?

A. Early part of 1980.

Q. All right. Tell the jury the circumstances, first, how did you learn, how did the meeting come about?

A. Carroll got in touch with me, told me that Mr. Fairchild would like to meet me, like to meet me face to face and talk to me, because he liked to know someone he was putting into an oil and gas deal.

Q. Okay.

A. Or any deal. He liked to deal with someone personally one on one.

Q. Okay. What did you say?

A. I told him I'd be happy to, and we made arrangements. I don't remember whether I made arrangements to stop through here on my way back to or from court somewhere else or whether I was holding court in Hattiesburg at a certain time.

Q. In any event, did you meet Wiley Fairchild?

A. Yes, I did.

Q. And at the meeting was Carroll Ingram present?

A. Yes.

Q. Did he bring you to the meeting? Did you meet him? What happened?

A. I don't remember whether we met Carroll or I met Carroll there. I either went with Carroll or he had told me how to get there, and I knew where Fairchild Construction's office building was on a Highway 49 just north of Hattiesburg here, you pass -- I passed it many times going back and forth to other places. Told me to park on the north side, I think I must have gone and parked, he told me to park on the north side of the building and come up some stairs, there was a door to the left which was Mr. Fairchild's private office entrance, door to the right that went into his regular business office. Come in the private interest, knock on the door.

Q. And did you?

A. Yes.

Q. And who was there?

A. Carroll.

Q. All right. Who else?

A. At that time no one else.

Q. Okay. Did you meet Wiley?

A. Yes.

Q. Where?

A. At the office.

Q. Okay. Tell us about the meeting, what did you do?

A. That was a very small office. We were introduced, shook hands, sat down and talked to him, we exchanged pleasantries, a little bit on our backgrounds, talked generally. He told me that, reaffirmed the fact that, or confirmed the fact he had told Carroll he was putting me in these three wells.

Q. Had he indicated at all that he knew who you were or had he heard about you?

A. Yes, he told me he had heard quite a bit about me, always wanted to meet me. He inquired then as to why I wanted to invest. And I told him about wanting to supplement my income so I could educate my children and take care of them, I love my children, and certainly wanted to provide an education for them.

Q. What was his response?

A. He thought that was very commendable, impressed, told me it made him feel even better. He said Carroll had mentioned briefly something about that to him.

Q. Did he mention at all, was there any discussion about the particular properties in question?

A. He mentioned briefly the three counties, that's all.

Q. Did he make any comments about their potential?

A. Yes, he did. He thought they were good wells, but now I want you to realize, judge, this is a risky business, and he said most are not producers, and I said I was aware of that fact but I was willing to take the risk.

Q. Is that basically the substance of what the discussion was at that meeting?

A. Yes.

Q. Basically then exchanged some pleasantries and depart?

A. Correct.

Q. Okay. Did he make any request of you before you left, was there any request made of you at this first meeting?

A. Yes, before I left he said judge, I put other people in oil and gas transactions, and he named some of them. I think one was Governor Waller, I think Mayor Chain of Hattiesburg, various other people. He said they keep in touch with me from time to time. He said I wish you'd call me whenever you get a chance to, just to talk from time to time, and either when you're holding court here come by and see me or stop by on your way through Hattiesburg and visit with me whenever you can.

Q. Was there any discussion at this time, at this meeting, of the particular wells in question?

A. Other than the, to tell me briefly what counties they were in, just as Carroll had. Nothing else.

Q. Beyond that?

A. No.

Q. Was there any discussion of the acreage?

A. No.

Q. Was there any discussion of the value of the wells?

A. No.

Q. At that time in 19, I guess early 1980, had you ever heard of the name Drew Fairchild.

A. No.

Q. Did you have any idea that Wiley Fairchild had a son named Drew Fairchild?

A. No.

Q. Had you read anything about Drew Fairchild?

A. Absolutely not.

Q. Did Wiley mention Drew Fairchild?

A. No.

Q. Okay. You basically leave at that time?

A. Yes.

Q. Thereafter did you hear back from Carroll or from Wiley Fairchild or did a period of time pass?

A. I might have talked to Wiley on the phone once or twice. I don't believe I did though during that period of time, perhaps I did.

Q. Did you talk to Carroll?

A. I talked to Carroll several times, yes.

Q. What about?

A. I wanted to know when the paperwork was forthcoming, because I hadn't heard from him in a good while. We had never really formalized the agreement that we had made.

Q. I didn't, maybe I didn't ask you this. What is the date, the best date you can put on when you think you had this meeting or you had the meeting with Wiley, the introduction to Wiley?

A. I would say somewhere in the neighborhood, February or March, somewhere.

Q. Of what year?

A. 1980.

Q. Did there ultimately come a time -- I take it, over the rest of that year did you speak to Carroll a couple of times you said?

A. Yes.

Q. Does there ultimately come a time when you hear from Carroll about this subject?

A. Yes.

Q. When is that?

A. It was either late February or early March, I think early March of 1981.

Q. Okay.

A. Carroll called me, I was in my chambers in the federal building in Biloxi and he phoned me.

Q. What did he tell you?

A. He told me that he had gotten the conveyances from Wiley Fairchild and that he was going to deliver them to me, coming down to Biloxi for another reason, conveyances in those three particular fields or wells that he had mentioned. Asked him, Carroll, you were supposed to give me advance notice so I could arrange for my financing. He said don't worry about that, Mr. Fairchild is going to carry the paper himself and let you sign notes and charge you interest as a bank would.

Q. Was that satisfactory?

A. Reasonable rate of interest.

Q. Was that satisfactory to you?

A. Certainly it was.

Q. What else was said?

A. Well, at that time I think that was it except he said, total consideration was ninety-five hundred dollars.

Q. Is that it?

A. Three notes. Yes.

Q. Did he come, when did you see him?

A. He came down just a few days later. Maybe even the next day, I don't recall. Very shortly thereafter.

Q. You say that Carroll came down, we're calling him Carroll, you've known him as Carroll, right?

A. Yes.

Q. In any event, you think he came down, that would have been early March of 1981, is that correct?

A. Yes.

Q. I take it by that time almost a year had passed from when you were introduced to Wiley Fairchild?

A. That's correct.

Q. In your mind --

A. A little over a year, I think. Approximately a year, gave or take a little.

Q. By the time you got this call, were you in any way doubting the transaction was really going to come about?

A. I had some doubt, grave doubts since such a long period of time had passed.

Q. Did it strike you unusual that that long a period had passed?

A. Yes.

Q. In any event, when Carroll, did Carroll come down a few days later?

A. Yes, either the next day or few days later.

Q. Where did he meet you?

A. In my chambers in Biloxi, my office.

Q. Tell us what occurred?

A. He brought the three written conveyances, conveying these royalty interests in these three particular wells and three promissory notes for me to sign.

Q. Okay. What was said and what was done?

A. Well, he delivered the conveyances, the original and a copy of each to me, and had me sign the three original notes, gave me a -- left a copy of them with me.

Q. Okay. Let me show you the documents. Let me show you

Government's Exhibit 12, 13, and 14, and see if these are the deeds. Let me show you Defendant's Exhibit 19, and see, forgetting the checks for a minute, they are attached to it, see if Defendant's Exhibit 19 are the three original notes that you got?

A. Yes, they were.

Q. I take it the notes obviously now have some checks attached to them, they are marked paid, things of that sort. They were, that didn't appear on them when you first signed them, is that right?

A. Correct.

Q. Forget the checks for the time being.

A. All right.

Q. What is the date that's on those assignments or those deeds and what is the date that's on the deeds?

A. February 25, 1980.

MR. FAWER:

Q. He said to you that this was occurring, he had given you them for signature in early March you believe of 81?

A. That's correct.

Q. Was there any discussion between you about that?

A. Yes, I mentioned to Caroll that I mentioned the date to him.

Q. What did he say?

A. And he said that they were dated back by to conform with the time that the agreement had been reached and which was not unusual and I understood common in this particular industry especially.

Q. Had the agreement as far as your recollection at that time had the agreement did it actually happen on February 25th, 1980?

A. I can't say the exact date but approximately that time.

Q. Did you have any qualms about executing a deed which was executing a note which was backdated?

A. No.

Q. Were you obligating yourself to additional interest in doing so?

A. Yes, but that's when we had the oral agreement and so I thought that was fair.

Q. Was there anything I mean did you hesitate or was it once Caroll told you what this reason was, you signed it without any thought?

A. I signed it.

Q. What occurred after you signed it --

A. The 3 notes.

Q. The 3 notes. Did he leave copies of the notes with you?

A. Yes, he did.

Q. Did he leave copies of the assignments with you?

A. Yes, and I asked him if he would record the 3 assignments for me in the land deed records for me in the counties. In other words, file them for record.

Q. Why did you want them recorded filed?

A. I wanted them recorded to protect my interest against any possible third party claims. That was the usual procedure when you had a deed or assignment anything to do with real estate.

Q. Did he agree to do it?

A. Yes, he did.

Q. When you have a document recorded, is that open? Is that a sealed secret document or is that something that's open available to anyone in the world who wants to look?

A. It's a public record and the chancery clerk's office of each county and they list, they have a land deed record. They list names of the sellers and the buyers and index and also they photostat the actual instrument itself and keep a photostat in a land deed record book and those books and records are open to the public and used every day by various lawyers and title companies and other people checking titles and what have you on a daily basis.

Q. And I take it the deeds that you talked about that were recorded have right at the top your name on each of them Walter L. Nixon, Jr.?

A. Yes.

Q. And by the way, I take it 2 of these counties are counties in the Southern District of Mississippi; is that right?

A. Yes.

Q. Marion and Covington?

A. Yes.

Q. The third is in Alabama. Did that basically end your discussions with Carroll Ingram on that occasion?

A. Yes.

Q. On that occasion or with respect to those documents, did you have anything to do with setting the price on each of the wells?

A. No.

Q. Did you have anything to do -- did you negotiate or discuss with anyone the amount of acreage being assigned to you?

A. No, I didn't. I trusted Carroll. Carroll and I were good friends and I trusted him his integrity, I trusted his judgment and I heard Mr. Fairchild's reputation as a good reputable businessman and I had no reason to. I've dealt with people on trust for a long time. I want people to trust me and I trust them.

Q. Did you have anything to do with selecting of the wells?

A. No.

Q. At that point in time this is now March of 81, had you heard the name Drew Fairchild? Did it mean anything to you at that point in time?

A. No.

Q. Had you ever heard of the name Drew Fairchild?

A. No, I had not.

Q. Did you even know that Wiley Fairchild at that time had a son by that name?

A. No.

Q. Did you know anything at all about a drug bust that had occurred at the Hattiesburg Airport back in August of 1980?

A. No, I didn't.

Q. Do you read the Hattiesburg papers on any type or regular basis?

A. Oh, no.

Q. Did Carroll Ingram have those documents, excuse me, those deeds recorded?

A. Yes, he did.

Q. Do you recall approximately when that was done?

A. I think I got them back in -- I think they were recorded in the first part of April and I received them not long after that. At least 2 of them. I think there was some problem recording Mobile County, but I got it in due course also.

Q. In the spring when is it -- let me withdraw that. In your tax return, I take it you would file for the year 1980 on or before April 15th of 1981?

A. Income tax return?

Q. Yes.

A. Yes.

Q. When was this financial disclosure form due to be filed?

A. We were required to file the financial disclosure form by May 15 of each year disclosing all of the information required for the previous year just as you file a tax return on April 15 of each year for the previous year, prior year.

Q. So for the year 1980, if you wanted to reflect this transaction on the 1980 disclosure statement, did you still have time in which to do so before it needed to be filed?

A. Yes. As I recall, I filed the financial disclosure statement for 19 -- calendar year 1980 in very shortly before the deadline of May 15, 1981 and the instruments had actually been executed, signed the first part of March of 1981 and sent for filing for record in April of 1981.

Q. Let me show you what's been marked as the Defendant's Exhibit 38, the financial disclosure report filed by you for the year 1980. Is this it?

A. Yes, and it was dated May the 8th, 1981.

Q. And is some two months after you have signed the notes and engaged in the transaction, right?

A. Yes.

Q. Had the deeds recorded?

A. That's correct.

Q. Did you include on the 80 disclosure statement anything about this transaction?

A. No.

Q. Why not?

A. Because it was not formalized. Didn't become legally binding until 1981.

Q. And this disclosure statement is for 1980?

A. Yes.

Q. Who prepared this statement?

A. My C.P.A. in conjunction with my secretary.

Q. C.P.A. being Charles Logan?

A. Charles Logan who's now deceased.

Q. In any event, at or about this same period of time, did you engage in any other investments? You've mentioned before that there were some other people you had been talking to in the year 1981. Did you make any other investments?

A. Yes.

Q. What were they in?

A. Oil and gas.

Q. Just bear with me a moment. Have you had prepared -- first of all let me ask you this. Let me show you what has been prepared which is a summary of the other oil and gas investments that you made. It's been marked Defendant's Exhibit 39. Does this accurately reflect those investments?

A. Yes.

Q. And I notice that you made an investment in 3 different ventures; is that right?

A. That's correct.

Q. Is One of them called the Pattison or the Clemens No. 1 is that a well?

A. Yes.

Q. Where is it?

A. I forget the state it's in but it's a state other than Mississippi. It's in the midwest.

Q. And your investment --

A. I made it with Bill Pittman who made an investment in the same well and it was a man we knew from New Orleans named Buzy Pattison who owned Pattison Petroleum Corporation and I met him before.

Q. Pattison Petroleum Corporation Clemens No. 1?

A. That's correct.

Q. And you invested I see total $6,250?

A. Yes.

Q. Would then reflect on here the moneys that you have received from 81 on through 84 on that investment?

A. Yes.

Q. Is that correct?

A. That's correct.

Q. And how did you finance that investment?

A. I borrowed money from the bank.

Q. In that same year, I see that you made an investment with Chevron at a well at Pointe Coupee Parish, Louisiana?

A. That's correct.

Q. Was this the result of speaking to one of those friends you mentioned?

A. Yes, Robert Sockett. Robert and his wife, Barbara and I invested. His name Robert and his wife are in that particular investment. They had much larger investment than we did.

Q. And you and your wife invested in this?

A. Yes.

Q. And I see there's a total of just under 10,000, $9,814.50. Where did you get the money?

A. I borrowed the $10,000 from the bank to do that.

Q. What bank?

A. The Mississippi Bank in Jackson.

Q. And then again the income is reflected on income from 81 to 84 is also reflected on this document?

A. Correct.

Q. And I notice that in each case you have not at least through 84 received a complete return on your investment; is that correct?

A. That's correct. I haven't gotten my money back through 1984 the money I invested.

Q. On both, either one of those?

A. On either one.

Q. The third investment GeoSouthern Corporation Winnie No. 1; is that the name of the well?

A. Yes.

Q. And you invested 10,985 in late 1981; is that correct?

A. Yes.

Q. And you receiveo a --

A. I invested in that with my banker Bill Pittman also who invested a like amount I think in that particular well.

Q. Through 1982, you had receiveo a return on that just under $11,000 investment $2,700?

A. Yes.

Q. 2,759?

A. Correct.

Q. What occurred in 1982? Did you sell your interest in that investment?

A. Yes, I did.

Q. Was that as a result of any lawsuit being filed in the Southern District of Mississippi?

A. Yes.

Q. Did you know that there was going to be a some litigation arising out of that well?

A. There was an apparent misunderstanding. I knew that some claim was being filed on behalf of all of the royalty owners.

Q. Were you just one of many royalty owners?

A. I was one of many, yes.

Q. Go ahead.

A. Now Judge Tom Lee who was before he went on the bench was another. He's now one of our new United States Distric judges. He was one bigger investor than I was.

Q. Aside from that, there are many others?

A. Oh, yes.

Q. And I asked you, you knew there was some sort of a dispute?

A. Yes, with reference to the alleged violation of the security laws.

Q. Now did you know that there was going to be a piece of litigation filed in the Southern District of Mississippi?

A. It was a misunderstanding apparently. I thought a claim was being pursued. I didn't know suit was going to be filed but I thought that if it was it was going to be filed in Texas in the United States District Court.

Q. In any event, did you learn that a suit had been filed with you being named as a named plaintiff?

A. Yes. Not only was I named plaintiff in the suit filed in the United States District Court in this district but the case actually was assigned to me by random and I was shocked when I found out. I think my deputy courtroom clerk brought it into he and said here's a case assigned to you it's your case, you're a plaintiff. To say the at least, I was greatly surprised and shocked.

Q. What was the first thing you did?

A. The first thing, of course, immediately recused myself from the case.

Q. Which means the case is reassigned to another judge?

A. Yes.

Q. What else did do you with respect to your interest -- let me ask you another question. The case was going to remain as a suit in the Southern District of Mississippi, right?

A. Correct.

Q. With at that point with your name as a plaintiff, right?

A. Yes.

Q. What further did you do to divorce yourself from the case?

A. Well, I thought it was very inappropriate for me to be a party to a suit in my own court even though I wasn't the judge presiding. At that time, I was chief judge of this district. So I went to Bill Pittman, my banker through whom and with whom I invested and I said Bill, I've got to sell this interest. Would you please find a buyer for me if you can. He said judge, I invested and I put you in this deal. He said I'll give you the money back less what you received on it. That's what we did.

Q. Basically netted out without any profit without any loss?

A. That's my best recollection. That's the way it figured.

Q. By the way, in the years 81 and thereafter, are each of these investments are they reported? I noted earlier they all again in 1981. Are they reported on your financial disclosure statements then for the years following?

A. Yes.

Q. Let me show you what has been, I will mark --

A. I say I was chief judge at the time. I may been incorrect. I became chief judge in 1982 in September. So it may have been a little bit before that time, but I was one of the 3 judges of this district at that time.

MR. FAWER: Bear with me one moment.

MR. FAWER:

Q. Let me show you one of the filing for 1981 and 1982. Defendant's Exhibit 40 is the return, excuse me, the disclosure report for the year 1981 filed in 1982, correct?

A. This is the amended report, yes.

Q. For 1982?

A. For the year 1981.

Q. I beg your pardon.

A. Filed by me in -- for the year 1981 filed by me in 1982.

Q. Let me understand something. In each of the years is there a judge up in Washington who one of the sitting judges whose job it is to oversee the receipt of all of these reports?

A. Yes. Judge Edward Tamm, T-A-M-M. He's now deceased. I think he died this last year. I don't know who replaced him.

Q. In each year was it -- would there be a request from Judge Tamm or from his office that there was some alleged information or some error made on the return and he'd send it back for clarification or amendment?

A. That's not why it's not uncommon.

Q. Is that why it's an amended record?

A. Yes.

Q. Did that occur in other years?

A. Yes.

Q. Is the return to say the least a sort of complicated return in terms of figuring out what columns? Looks a little bit like a Chinese menu. Who figured out this report?

A. I wouldn't attribute it to a judge.

Q. The type conduct of judges?

A. I don't know who prepared it frankly.

Q. Let me show you Defendant's Exhibit 41 and show you Defendant's Exhibit 39, a listing of the interests and the income. On Defendant's Exhibit 41, I notice you have the Fairchild Construction Company and there's columns in which you're supposed to reflect the amount of income you got from each but you don't tell them -- you're not supposed to tell us the amount. You just check whether it's in each column represents like 1 to 5,000 to 25 to 50 and 5 to 10. It's you put an X in that box?

A. That's correct.

Q. Would you fill out and prepare the form or your secretary or accountant which is it?

A. My C.P.A. and in conjunction with my secretary.

Q. And for the year 1982, not only do you have Fairchild Company, but I see the others, Patterson and Geosouthern and the Point Coupe, right?

A. Yes.

Q. From looking at one of these, I notice that at least as to two of these investments, you reported income, at least whoever prepared the report, reflected that you had income greater than you really received?

A. I overstated my income.

Q. Was that done intentionly to mislead anyone?

A. If it had been understated someone would suspect, but it was overstated. I didn't receive as much income as I reported.

Q. By the way, did -- is this something you only came to realize during the course of preparing for this trial?

A. Yes.

Q. As I say, it was, you had not done the preparing, the check marks, the "X" marks was not done by you?

A. That's correct.

Q. Okay. One other --

MR. FAWER: Your Honor, would this be a good time to take a break? I'm going to be moving on?

THE COURT: We'll take a short recess.

MR. FAWER: Thank you.

(Recess.)

THE COURT: Proceed.

MR. FAWER: Thank you.

BY MR. FAWER:

Q. Judge Nixon, we just talked about the reporting of this information on the oil and gas investments on the financial disclosure statement. Let me just go back for a minute. When you made this transaction, engaged in this investment, did you recognize in your own mind that you could lose money on that transaction?

A. Certainly.

Q. When you made that investment, did you have any belief that it was anything but an arms length transaction?

A. Positively not.

Q. Okay. Did you have any thought that you were paying anything but fair market value for it?

A. No.

Q. When you made, engaged in the transaction with Carroll Ingram or discussed, you first were introduced to Wiley Fairchild, did you have anything in your mind that there was anything that you were agreeing to do, or exchanging with Wiley Fairchild because you were investing in this transaction?

A. No.

Q. Was the only thing that you were obligated to do, was there anything you were obligated to do in your mind beyond the paying of the return on the principle and the interest on those notes?

A. No.

Q. Okay. Let's turn then, you said the disclosure statements, at least the first was around the time of the recording of the instruments in the spring of 81, correct?

A. Yes.

Q. And during the period of the spring of 81, summer of 81, did you ever follow up on what Wiley had asked you, Wiley Fairchild had asked you to do by giving him a call or dropping in on him?

A. Yes.

Q. Were there times during that period of time, during that period when you held court right here in Hattiesburg in this courtroom?

A. Yes.

Q. Was -- by the way, was it this courtroom or the other one or both?

A. Well, it was this courtroom before I became chief judge, and then later it was the other courtroom, that was the courtroom and chambers assigned to the chief judge on the other side of the building, and this courtroom and chambers were assigned to the other two judges.

Q. During that 1981 --

A. I might say, Judge Russell moved out voluntarily, I didn't ask him to. He told me he wanted me to take that over when I became chief judge.

Q. That's not until 1982?

A. Correct.

Q. In 1981, spring of 1981, in that period, did you recall calling Wiley Fairchild and paying him a visit?

A. Yes.

Q. Approximately when was it?

A. It was in May of 1981.

Q. Right around that time?

A. Yes.

Q. Is it your recollection, were you passing through, holding court, what was it?

A. I was holding court in Hattiesburg.

Q. You called him or he called you?

A. I called him.

Q. Okay. And why did you call him?

A. I called him because he asked me to. I wanted to find out how things were progressing, if there had been income from the well, I thought I would pay him a visit, at least talk to him on the phone.

Q. Okay. And did you do so?

A. Yes.

Q. Did you go over to his office?

A. I did.

Q. Do you have a chat with him?

A. Yes.

Q. Same office you had met him in before?

A. Yes.

Q. Just you and he?

A. Correct.

Q. At that time did you ask him about what's going on with the wells?

A. Yes.

Q. What did he tell you?

A. He told me things were progressing, he thought they were going to be good wells, reminded me again it was a risk, I told him I was well aware ~~of~~ that fact.

Q. When you got up to leave did you say anything to him?

A. Yes, I told him that I appreciated his putting me into the deal, and if there is anything I could do for him let me know, if I couldn't do it, I'd tell him. If I could do it I would.

Q. Tell the jury what, you mentioned to him if there was something you could do you would, and if you couldn't you would tell him. Is that something you told other people?

A. Yes.

Q. Why is it something you have told other people?

A. There are certain things a federal judge can't do. For instance, giving legal advice, I've had a lot of friends and acquaintances call me and ask for legal advice, stop me on the street, at a get-together, it's embarrassing. You don't want to be rude to anybody and I'm not, but you've got to tell them that you couldn't give legal advice.

Q. You've been a judge?

A. Tell them to see a lawyer.

Q. Judge now for 17 years, right?

A. 18 years in July.

Q. Okay. But during that period of time is it your understanding and perception that at times non-lawyers do not really understand what a federal judge can and cannot do?

A. Yes, and that's understandable.

Q. They are not lawyers?

A. Yes.

Q. They are not judges?

A. Correct.

Q. And is it something you have said on any number of occasions to other people?

A. Yes.

Q. Okay. Is there anything more to it than what you just said?

A. No.

Q. Okay. You leave at that time?

A. Yes.

Q. During the period following the middle of 1981, let's say, from that period until the beginning of 1983, okay? Have you got that in mind?

A. Yes.

Q. An 18 month period, were there some times, did you speak to Wiley Fairchild by calling him?

A. Yes.

Q. Did you talk to him about -- did you visit him on occasion?

A. Between what years?

Q. Mid-81 and beginning of 1983?

A. No.

Q. Okay. Did you speak to him though?

A. Yes.

Q. Were there times during that period that you asked him about the wells and the progress?

A. Yes.

Q. Did you ever discuss or did he ever mention to you that the wells during a given period of time were on line?

A. Yes.

Q. You understand, is that a phrase you understood when he mentioned it to you?

A. I had to ask him what he meant by on line.

Q. What did he tell you?

A. Found out it meant producing.

Q. In early 1982 did Carroll Ingram bring any documents or call you about some documents that you needed to sign?

A. Yes.

Q. What were they?

A. They were called division orders, and Carroll told me until they were signed and sent in the royalty owners could not receive any income from the wells.

Q. Okay. Prior to your getting his calling about the division orders, did you know that the wells were producing?

A. Yes.

Q. Did you know anything more than just that fact?

A. No.

MR. PAWER: Okay. Indulge me one moment. Defendant's 33 and Government 26.

BY MR. PAWER:

Q. Did Carroll -- May I proceed, Judge?

THE COURT: Yes.

BY MR. PAWER:

Q. Did Carroll Ingram bring you these division orders to sign?

A. Whether he brought them or sent them to me, but he got them to me. I signed.

Q. You opened then, signed the documents?

A. Yes.

Q. Had you ever signed documents like this before? Had you ever signed division orders before?

A. If I did, I don't recall, back when I was practicing law many years before I think I had. I don't know whether I signed one or not.

Q. In any event --

A. Twenty years before.

Q. Take a look at Defendant's Exhibit 33. Is that your signature on each of the division orders?

A. Yes.

Q. Okay. I notice they are dated January 19, 1982. Is that approximately the time that you recall that these were signed?

A. Yes.

Q. I notice something interesting. You heard, did you ever know a man by the name Skip Jarvis?

A. No.

Q. Before you saw him in this courtroom, did you ever see him?

A. No.

Q. Did you know that, on this document apparently the typewritten says Walter O. Nixon, and underneath your signature Walter O. Nixon, somebody changed the O to an L. Who did that?

A. Looks like something I did.

Q. Okay.

A. I don't recall doing it.

Q. Why would you have corrected it?

A. Because that's my middle initial is L.

Q. Not O?

A. No.

Q. Did you know anybody had intentionally put the wrong initial down there?

A. No.

Q. Until someone was in this courtroom?

A. No.

Q. Do you know of any reason why anyone should do that?

A. Of course not.

Q. You signed these and sent them back to Carroll?

A. Yes.

Q. In any event, that would have been in early 1982, correct?

A. Yes.

Q. During the year 1982, did you begin receiving some payments, royalty payments on the wells?

A. Yes, I did.

Q. And from whom did you receive those payments?

A. From Fairchild Construction, W. R. Fairchild, I forget exactly.

Q. They have been introduced in evidence?

A. Yes.

Q. What did you do with the checks?

A. Deposited every one of them in the bank account?

Q. There is a document in evidence marked Government Exhibit 26 which is a listing by date of each of the checks you have received, you've seen it, it's an accounting, am I correct?

A. Yes.

Q. I notice that in March of 1982 -- by the way, the notes, do you recall when the due dates on the notes were?

A. Yes, they were February 25, 1983.

Q. Okay. Did you have any obligation to make any payments before that date?

A. No.

Q. I notice, however, in March, mid-March of 1982, you paid five thousand dollars note payments, which I believe were interest and principle, correct?

A. Correct.

Q. Why did you make those payments at the time?

A. Because I happened to have the money and I wanted to pay them as soon as I could to save interest.

Q. By the way, when you say you had money, where had the money come from?

A. Some of the came from the royalty payments.

Q. Did you send those notes, those checks to Wiley Fairchild, to the company?

A. Yes.

Q. By the way, I think they're sitting here. Are those checks among those that are attached to the notes marked Defendant's Exhibit 19?

A. Yes.

Q. Okay. In, staying in the year 1982, did there come a time in July, let me withdraw that and let me ask you a question. You, like Judge Meredith and Judge Cox and Judge Russell are what is known as distirct court judges, right?

A. Yes.

Q. What is -- between you and the Supreme Court of the United

States is there another level of judge?

A. Yes, United States Courts of Appeal.

Q. For this area of the country, what is the governing Court of Appeals?

A. Fifth Circuit.

Q. In the summer of 1982, were you nominated -- I shouldn't say nominated, were you asked if you would become a member of the Fifth Circuit Court of Appeals?

A. Yes, Senator Thad Cochran and Congressman Trent Lott together asked me if I would permit them to have the president nominate and appoint me to the Fifth Circuit Court of Appeals.

Q. Did you consider it?

A. Barbara and I considered it very prayerfully for a long time.

Q. What did you decide?

A. We decided that I would prefer to remain on the district bench. I was a trial lawyer, courtroom lawyer, I preferred to be a trial judge, courtroom judge.

Q. And did you so advise the executive branch, or the people who wanted to appoint you that you would decline such an appointment?

A. Yes, Mr. Fred Fielding, counsel for President Reagan at the White House called -- incidently, I was in Hattiesburg holding court at the time -- he urged me to take the nomination which would be forthcoming, told me if I would agree to it, that

President Reagan was going to call me the next day. I told him I would very much like to receive the call from the president, pretend that I might want to take it, but we have definitely decided not to, I thanked him, and asked him to thank the president.

Q. I take it you did not go forward with that?

A. That's correct.

Q. Same year, December of 1982 did you become the chief judge of the Southern District of Mississippi?

A. Yes.

Q. And the following month did you, was there, were there several parties that were thrown or cocktail parties or receptions thrown to honor your being made chief judge?

A. Receptions.

Q. Receptions?

A. Yes.

Q. I take it at these receptions people do drink?

A. Right.

Q. Otherwise known as a cocktail party, okay. In any event, it was one of those thrown here in Hattiesburg?

A. Yes.

Q. Where was it held?

A. It was held at Bonnie and Clyde's.

Q. What is Bonnie and Clyde's?

A. It's a lounge, restaurant type operation. Mostly lounge, I think they serve food there also.

Q. Who owns it?

A. As I understood it, it was owned by several people. I think Bud Holmes and Jim Dukes were two of the owners.

Q. Who sponsored this reception?

A. I was told that the South Central Bar Association was sponsoring it.

Q. Were people, were both lawyers and non-lawyers from the area and beyond in attendance there?

A. Yes.

Q. Bud Holmes there?

A. Yes.

Q. Carroll Ingram there?

A. Yes.

Q. Wiley Fairchild there?

A. Yes.

Q. Judges from the district here there?

A. Yes. Congressman Lott was there.

Q. Other friends of yours there?

A. Yes.

Q. Barbara was there?

A. Yes.

Q. Just before that, had you made another payment in reduction, further reduction of these notes?

A. Yes.

Q. Was that in the middle of September of that year?

A. Yes.

Q. That was again for the same reason that there had been money coming in, you were paying it off as quickly as you could reasonably do so?

A. Yes.

Q. Okay. Anybody pressed you for those payments?

A. No, they weren't due until February of 1983.

Q. Okay. At this cocktail, at this reception as you call it, was there, did you have occasion to speak to Wiley Fairchild?

A. Yes.

Q. Tell us how it happened, what you said, what he said?

A. Well, Mr. Fairchild came up to me and he kind of took me aside, he said I might have another investment that looks pretty good, he said -- I remember the name Board of Education, some well that was apparently referred to as that, or that was the field or something. He said I might be in touch with you about it if you're interested in investing. I said I would certainly love to talk to you about it, if you would put me in it.

Q. Okay. Had he met -- sorry, go ahead?

A. Go ahead.

Q. Had he met your wife up to that point in time?

A. No.

Q. Barbara was there?

A. Yes.

Q. Did you introduce Barbara to him?

A. Yes.

Q. What did you tell -- just tell us?

A. I told her, Honey, this is Wiley Fairchild, he's the man that put us in the oil and gas investments that are bringing us some income.

Q. And shake hands, say --

A. Barbara thanked him, told him it was nice meeting him, that's all.

Q. Were there other people around? Did you go --

A. Oh, yes.

Q. -- off to some room?

A. No.

Q. Was this in the middle of the reception?

A. It was in the middle of the reception.

Q. At that point in time, late October of 1982, okay?

A. Correct.

Q. Had you heard anything, let's say, at the end of 1982, by the beginning of 1983, had you heard anything yet of a person by the name of Drew Fairchild?

A. No.

Q. When was it that you had the first awareness of the name Drew Fairchild?

A. In the first part of 1983. I either heard something about it or read something about it in the news media or both. I'm sure I read something about it.

Q. What do you recall, do you have a distinct recollection of reading something or hearing it or there is some impression that you have of what you recall?

A. What I recall, there was something in the newspaper. I don't know whether it was Hattiesburg paper that I might have read coming through here, I would stop sometimes at the Wagon Wheel, pick up a copy of it, while I was here read it, might have been one of the other papers that I took down home. It had something about ~~they~~ this particular Drew Fairchild case, and some criticism of Bud Holmes handling of it. Also something about it had been passed to the files and reactivated, brought back to the active docket, pretty critical of him.

Q. First, passing to the files and reactivating, had you ever engaged in practice in the state criminal practice?

A. Very little.

Q. Did you know what passing to the files meant in Mississippi?

A. Yes.

Q. Okay. Aside from that, having read it, did you thereafter or when you read about it have occasion to say anything to Bud Holmes about it?

A. Seem to recall talking to him about something, I don't know, just talking to him, and I told him, well Holmes, you screwed up again.

Q. Was that just commenting about what you read?

A. Yes.

Q. What did --?

A. Said there had been criticism of another case of his in the news media sometime before.

Q. What did you tell?

A. Well, damn news media always after me, criticizing me for something. Damned if you do and you're damned if you don't, and I don't give a damn. You asked me what-

Q. Would you call that a classical Bud Holmes response?

A. Yes.

Q. You could almost predict what he would say?

A. Almost, not always. You can predict he's going to say something but you can't predict what he's going to say.

Q. In February, let's turn our attention for a moment, Judge, to February of 1983, okay? The latter part of that month or the very end of that month in 1983, did your wife, was there some surgery your wife underwent?

A. Yes.

Q. What kind of surgery?

A. Periodontal surgery.

Q. Were there some complications?

A. Yes, it was done here in Hattiesburg, she was at Forrest

General Hospital. Our periodontist practices here.

Q. Okay. I take it she wasn't confined to the hospital, but there was some period when she was at home for a lengthy period of time?

A. She was confined for a while, had complications, had to stay several days here. Then confined or recuperated, convalesced at home for a while, yes.

Q. Did that go into the early weeks of March of 1983?

A. Yes.

Q. Let me show you, take a look at those checks that are attached to the notes, you can look at this listing the government put in. Did there come a time shortly thereafter, right in this period of time, when you fully paid off the notes and the interest due on those notes?

A. Yes.

Q. What date was that?

A. The last payments were made by check dated March 1, 1983.

Q. Okay. So therefore, as of that date, had you fully paid for the investments and all interest due on the notes?

A. On all three. I had paid one off earlier, three or four months, and these payments on the other two came about four or five days later.

Q. Okay. As I understand it, you made the first payment in March of 82, the second payment in September of 82, and these are the final payments, in fact a few days late in terms of when the notes were due, it was February 25, 83, these were made four days after that, is that correct?

A. Correct.

Q. Do you recall shortly thereafter being in Hattiesburg holding court?

A. Yes.

Q. And you recall the circumstances of your being here?

A. Yes.

Q. What were they?

A. I was presiding over a trial of a person charged with bank robbery, armed robbery of a bank.

Q. What was his name?

A. Douglas Chico Patterson.

Q. Bear with me one moment.

MR. FAWER:

Q. Let me show you Defendant's Exhibit 42 and ask you what that is?

A. Yes, this is the clerk sheet showing the documentation of a trial of that case.

Q. What dates did that trial take place?

A. March the 10th and 11th, 19 --

Q. I'm sorry?

A. 1983.

Q. What days of the week?

A. Thursday and Friday.

Q. And the trial took all day on Thursday?

A. Yes.

Q. And this was right here in this court record, correct?

A. That's correct.

Q. Criminal case?

A. Yes.

Q. And did the trial continue into Friday?

A. Yes.

Q. And did there come a time when the jury, when you charged the jury and the jury began deliberations?

A. Yes.

Q. About what time of day was that?

A. Approximately 11:00 a.m. on Friday the 11th.

Q. While the jury is -- then sent the jury out to deliberate?

A. Yes.

Q. While the jury was deliberating what did you do?

A. I made two or three phone calls.

Q. From your own office in chambers?

A. Yes.

Q. Who did you call?

A. I called Bud Holmes.

Q. Why?

A. I had been at Bud's before, sometime before and he had some Hank Williams, Sr. records the old Hank, former Hank Williams deceased, and I wanted to -- I really liked them and I wanted to borrow them and tape them and I asked Bud if you could borrow them from him on this trip.

Q. What did he tell you?

A. I told him I had a jury out and I didn't think they would be out too long and he said yes, if I'd meet him out at the farm that afternoon late he would -- I don't remember what time exactly. After 5 that he'd be happy to loan them to me, we'd have a drink. I said farm. That's where he was living.

Q. He was district attorney at the time?

A. Yes.

Q. You would have reached him where?

A. District attorneys office.

Q. Who else did you call?

A. I called Wiley Fairchild.

Q. Why?

A. Well, I paid the notes off sometime shortly after, indebtedness on these three wells this investment and he had mentioned also that and possibly be another one so I thought I would talk to him and see how everything was coming with these particular wells. I think — I don't know whether there had been a decline in the payments. There was at some time the royalty amounts coming in monthly and I just wanted to talk to him generally about everything. I just finished paying for these shortly before March the 1st.

Q. When you talked to him did he mention going over to see him?

A. Yes.

Q. What was his response?

A. He said he'd love to see me, come on over. He said --

Q. Go ahead.

A. Come on that entrance, that private entrance.

Q. Did you have any time, did you set a certain time or what?

A. I couldn't set a certain time. I didn't know how long the jury would deliberate. I told him probably be shortly after lunch. I didn't think be too long. I didn't know, of course.

Q. How long did the jury deliberate? Very long?

A. 45 minutes.

Q. When the jury, after the verdict was returned, were you basically free for that afternoon?

A. Yes.

Q. Did you go over to Wiley Fairchild's?

A. Yes.

Q. First let he ask you this. Did anybody summon you or call you and say Wiley Fairchild wanted to see you?

A. No.

Q. Particularly did Carroll Ingram do that?

A. No.

Q. Did Carroll Ingram go with you on that occasion?

A. No.

Q. How did you go over to Wiley Fairchild's?

A. I went in my automobile. I drove over.

Q. Did Carroll Ingram even know as far as you can recall that you were in town on that occasion?

A. I don't know whether he did or not. I didn't call him.

Q. I'm sorry go ahead.

A. I didn't call him or let him know.

Q. You go to his office and tell us what occurs as best you can recall. Tell us what happened when you went to his house I guess around March 11th is this?

A. Yes.

Q. Of 1983?

A. Yes. I knocked on the door and went in and he and his brother Rodney were in there and we talked a little while. He turned to Rodney, he said in a gruff voice, Rodney, get out of here.

Q. Had you met Rodney before?

A. I'm not sure whether I had or not. I'd heard the name.

Q. Had you ever heard Wiley speak to his brother or anyone else like that?

A. No.

Q. Were you somewhat taken aback?

A. Yes.

Q. Did Rodney leave?

A. Yes.

Q. Tell us what happened.

A. Mr. Wiley said judge, you're a good man and you've got a real good reputation. He said I want to tell you about something. He said I'm mad as hell. He said Bud Holmes -- he said I got a son -- the way he started out, he said I got a son named Drew Fairchild. And I said -- he said he got in some trouble out at the airport involving drugs. I said yeah, I read something about it not long ago.

Q. You said that?

A. Yes.

Q. Go ahead.

A. And he said well, he got a deal made and I don't give a damn what happens. It looks like a good deal. He said he's given me trouble all his life and I'm not trying to do a damn thing to help him but I'm tired of my name being drug through the news media. He said I believe Bud Holmes is blackmailing me and he said I think Carroll Ingram might be in it too.

Q. Did he say why he thought he was being blackmailed?

A. No, but what I gathered he was talking about publicity. He said the Fairchild name is being drug through the mud in the news media. He said I spent a long time making that name a good name.

Q. Was anything else mentioned aside from that? Did he -- first of all let me ask you this. Did he seem angry? How would you describe his state of mind?

A. He was very angry and he also mentioned somebody else, I don't remember the name, that was involved in the drug deal. He said hadn't even been charged or indicted.

Q. There's been a name of another individual named Robert Royals. Do you recall that that was the name he mentioned?

A. I don't recall.

Q. Do you recall if he even mentioned that person's name?

A. I do not recall.

Q. Do you know or had you ever heard of Robert Royals?

A. No.

Q. When he told you this, what did he say, anything? What did you do?

A. To say the least, I was in shock. Here was a man who had a business transaction with, he was an elderly gentleman, he appeared to be sincere in what he was saying but at the same time he was accusing 2 friends of mine of blackmail.

Q. Did he ask you to do anything?

A. No.

Q. Did he discuss or you discuss with him in any way the case of Drew Fairchild?

A. No, I did not.

Q. Did you get the impression from him that he wanted you to say anything to anyone about it?

A. I got the impression that he wanted me to mention something about that to Bud Holmes.

Q. Did he make any request of you to do so?

A. No, he didn't.

Q. Did that -- have you told the jury basically everything you remember about the conversation and the way it took place?

A. Yes, I have.

Q. Have you thought about this long and hard?

A. I certainly have.

Q. When you left, did you have any intention at that point of speaking to Bud Holmes about it?

A. No.

Q. Had you already made plans to see Bud later that day?

A. Yes, I had.

Q. Where did you go? Did you go directly over to Bud's or what did you do?

A. I came back to my chambers here. I don't remember exactly what I did, but I had various matters to read and what have you. I carry briefs with me a lot of times when I'd come up here for trials and, of course, my deputy courtroom clerk and secretary were with me. So was my law clerk and I spent most of the rest of the afternoon here in chambers.

Q. Still middle of the afternoon when you left Wiley Fairchild's?

A. Sometime around there, yes.

Q. How long would you say that meeting took place? How long did the meeting last?

A. Didn't last more than 10 or 15 minutes at the most. I was glad to get out of there.

Q. By the way, did you ever call Bud Holmes from his office?

A. No.

Q. Aside from the call that you had made that morning to Bud concerning wanting to get the Hank Williams records, did you call him again that day before seeing him that evening?

A. No.

Q. Tell us what occurred when you left this courthouse?

A. I drove out to Bud's farm or home and met him out there. I don't know whether I got there first or he did.

Q. About what time are we talking about?

A. Late afternoon.

Q. If he wasn't there, does he have a caretaker or someone who's around the house usually?

A. Yes, normally.

Q. What's the name of the person?

A. Haskel.

Q. You don't recall whether you got there first or he did?

A. No, I don't.

Q. Let me ask you a question. You've heard Bud Holmes that you drove out whether the two of you drove out together in his car. Did you drive out that evening in his car or did you drive out by yourself?

A. By myself.

Q. Tell us what happened when Bud and you were together. Describe it as best you can to this jury.

A. All right. Well, I was in there with Bud and we started listening to Hank Williams records. And he had a bottle of Royal Salute scotch which is a high priced scotch and I used to joke with him about better have some Royal Salute if I ever came out to have a drink with him. And he asked -- poured me a drink. I don't remember what he poured himself and I was listening to the records and looking at them seeing which ones I was going to borrow to take home and tape. He was on the phone most of the time as usual.

Q. In other words, when you're there, he mixed you a drink, you're looking at the records and it's your recollection he was making some calls as well?

A. Receiving and making.

Q. That was not unusual with him?

A. Not at all.

Q. Do you know the extent to which he had had any drinks before he arrived there?

A. I don't know but he didn't appear to be as sober as a judge.

Q. In any event, had you had any drinks before that?

A. No.

Q. Tell us what happens then? What if any discussion do you have with him at that time? Is there some seats? Is this like a den?

A. Yes.

Q. And is there a bar or is it just a cabinet? What is it?

A. It's sort of a little cabinet and, of course, a record player was in there. There was seats and a telephone and a king size bed.

Q. Tell us what happens.

A. Well, we were talking and this thing was just weighing on my mind what Mr. Fairchild had accused him of.

Q. Tell us what you said; what he said.

A. I said Bud, I've been talking to Wiley Fairchild. And I said he is accusing you of blackmailing him. He said -- I said with reference to this matter some matter with his son. And --

Q. Did you mention to him -- now listen to my question. You mentioned the blackmail. Did you mention to him at all how you understood he was being blackmailed?

A. Yes, what I understood by blackmail, Mr. Fairchild indicated to me talking about dragging the good Fairchild name through the mud in the news media.

Q. When you told that to Bud, what did he say? Tell us exactly what you remember him saying?

A. He said the son of a bitch is paranoid. He said everybody is after his money, he's got so much he'll never be able to spend it, he's crazy.

Q. What else did he say?

A. He said let me tell you about the case.

Q. What did you say?

A. Bud, I don't want to hear about the case.

Q. Let me stop you a second. Was there anything wrong in your hearing about the case?

A. No, I'd have been there all night because it takes Bud an hour to tell you what anybody else could tell you in a minute.

Q. Did you have any interest in hearing about the case?

A. No.

Q. When you told him that you didn't want to hear about the case, what did he say?

A. He said well, the thing's all worked out anyway. He said, I don't understand what he's talking about.

Q. Did he tell you anything else?

A. I don't recall that he did.

Q. Was there any -- he told you when he said to you the thing's worked out, he doesn't know what he's talking about?

A. Yes.

Q. Did you say anything more than that to him?

A. No.

Q. What did he do then?

A. I went back over and was -- you know sat around and talked a little bit. Went back over by the records.

Q. Did he have any more to drink?

A. Yes. He poured himself another drink I think.

Q. Did you have another drink?

A. I had one more drink before I left.

Q. I mean do you drink a lot by the way?

A. No.

Q. You do drink though?

A. Yes.

Q. Is there any reason why you'd limit the amount that you'd drink that night?

A. Well, first of all I don't drink that much to begin with and secondly I was getting ready to drive back home to Ocean Springs.

Q. Did you listen to some more records?

A. Yes.

Q. Were you picking out any records?

A. Yes. Trying to select them. He was on the phone again.

Q. Making more than one call?

A. Yes, I think so.

Q. What else happened?

A. It's hard to tell. He had 2 phones there, 2 separate lines. I've seen him with 2 phones one in each hand at a time.

Q. If he had another hand, there would be a phone in it?

A. I would guess so.

Q. Coming back all seriousness while you're there listening to records having a drink and looking at the records, while he's making these calls, tell us what else occurs?

A. In a few minutes ~~he said~~, called me over, judge come here a minute. He called me judge and I called him Bud. He handed me the telephone. He said here, talk to Wiley Fairchild.

Q. Go ahead.

A. So I took the phone and I told him hello and he said how are you judge, and I don't know whether Mr. Fairchild was half asleep or half drunk or what but he didn't sound just right. And he said I'm glad you mentioned that matter to Bud. He said I'm satisfied.

Q. Anything else?

A. No.

Q. What did you do with the phone?

A. I handed it back to Bud. When he handed it to me, he told me he wanted to talk to him again when I got off.

Q. Do you have any awareness at that point what Bud had said to Wiley before he handed you the phone?

A. No.

Q. What was your state of mind or how did you feel about Bud having made that call to Wiley?

A. Well, I was taken aback. I didn't know he was going to call Wiley Fairchild.

Q. Did Bud then speak to him for another minute or two?

A. I guess so. I handed him the phone and walked back over by the records. I was disgusted.

Q. Did you say anything to Bud after he got off the phone?

A. Yeah, I said Bud, why did you call Wiley and what did you say to him. He said I just wanted to get the damn thing straightened out.

Q. That's it?

A. That's all.

Q. What happened then?

A. I selected the records or had selected the rest of them and told Bud I appreciated his loaning them to me. I took them and went home. Drove home to Ocean Springs.

Q. That evening you drove back to the Coast?

A. Yes.

Q. When you got back to the Coast, was Barbara in bed?

A. Yes.

Q. Did you see her that evening?

A. Yes.

Q. Did you say anything to her about anything?

A. Yes, I showed her the records I had in my hand and told her I had borrowed them from Bud and I asked her if she would tape them for us and I asked her to come listen to some of them.

Q. Show you Defendant's Exhibit 31. Is that the group of records that you borrowed that night?

A. I think they are. They look like the same ones.

Q. Are those the -- have you had them from that date until now?

A. Yes, and frankly I forgot I had them till all this came up.

Q. Let's go back to that conversation. First of all, did you ever discuss the Drew Fairchild case that evening with Bud Holmes?

A. No.

Q. Why did you even -- why was it that you told us when you went there you really didn't have any intention or when you left Wiley's of mentioning this blackmail accusation to him; why did you?

A. I don't know. It was weighing on my mind and I wanted to -- I guess I just don't know.

Q. But you did mention it to him?

A. Yes.

Q. Did you ever mention that allegation to Carroll Ingram?

A. No.

Q. Why not?

A. Well, I didn't think there was anything to it to begin with and he didn't sound nearly as positive about Carroll Ingram when he made his complaint as he did Bud Holmes. I thought the matter was resolved there that evening and there wasn't any need to mention it to Carroll. Of course, you saw Carroll's reaction anyway when you even mentioned it to him in court. I thought that might be his reaction. There wasn't any reason to it. I thought it was nonsense but the man was sincere in his complaint.

Q. That evening with respect to it, did Wiley Fairchild ever ask you to do anything concerning his son's case?

A. No, he did not.

Q. Did you even discuss Drew's case with Wiley Fairchild?

A. No.

Q. Did you ever say a word to him in response to his complaint about Bud Holmes?

A. Just as he said, no. He testified here.

Q. Did Carroll Ingram ever ask you or summons you to see Wiley Fairchild that day?

A. No.

Q. Was Carroll -- did you ever see Carroll Ingram that day?

A. No.

Q. Was Carroll Ingram, were you ever at Bud Holmes's office that day?

A. No.

Q. Was Carroll Ingram to your knowledge I take it that he wasn't with you at Bud Holmes's office?

A. No, he wasn't.

Q. Have you ever do you ever recall being at Bud's office with Carroll Ingram?

A. No.

Q. Did you have any conversation concerning this subject with Bud prior to getting to the farm?

A. No.

Q. I take it therefore you did not drive with him to the farm?

A. No.

Q. Have you told us as best you can recall what occurred at the farm that night?

A. Yes.

Q. You've heard what Bud Holmes has attributed to you as having been said that night?

A. Yes, I have.

Q. Is it true?

A. Absolutely not.

Q. Did Bud Holmes ever in your presence offer to pass the Drew Fairchild case to the files?

A. No.

Q. To your knowledge what was the status of that case at the time of this conversation in March of 83?

A. I don't know.

Q. What had you in terms of -- had you already read something about the case?

A. Yes.

Q. And what was that?

A. That it had been passed to the files and brought back to the active file or reactivated.

Q. Had you any knowledge beyond that at the time of this conversation?

A. No.

Q. Bud Holmes and you were here when Bud Holmes testified, you heard him say that in your conversation with Wiley Fairchild that you thanked Wiley Fairchild for putting you in the investment and had a lengthy discussion with him explaining why you needed to supplement your income and that you were happy; do you recall that testimony?

A. I do recall it.

Q. Did you have any such discussion with Wiley Fairchild that night?

A. No.

Q. Judge, was Bud Holmes telling the truth in describing your conversation with him that night?

A. He certainly was not, Mr. Fawer.

Q. Have you ever been to Bonnie and Clydes with Bud Holmes?

A. Yes.

Q. Aside from October 28th when the reception was held, have you been to Bonnie and Clydes?

A. I think once or twice.

Q. Were you there that night?

A. No.

Q. What makes you -- you were at Bud Holmes that night you described your being there. What makes you say that you weren't at Bonnie and Clydes that night as opposed to any other night?

A. Because I wasn't there.

Q. Was there any reason why you wanted to get back to the Coast that evening?

A. Well, yes there were 2 reasons. One, it was getting late but the primary reason was Barbara had had that surgery and she was recuperating and I wanted to get on home as soon as I could.

Q. Now that was in -- have you told us as best you can recall everything that occurred in that period in March of 83 concerning your conversations with Wiley and your conversations with Bud and of the telephone call?

A. Yes, I have.

Q. By the way, your being on the phone with Wiley, did that last more than 10 seconds?

A. No.

Q. I want to come back. You have heard Bud Holmes testimony under oath concerning your presence in Hattiesburg this city on May 14th, 1982 am I correct?

A. Yes, you're correct.

Q. Now that's the date he attributed this conversation to you; am I right?

A. Right.

Q. First of all, were you in Hattiesburg for one minute on that day?

A. No.

Q. Where were you?

A. I was in Biloxi.

Q. Tell the jury -- pick up first of all tell us why you weren't -- how you know you were in Biloxi that week on that day rather and the events of what was going on in your professional life that very week of May of 1982.

A. Well, we were getting ready to try the asbestos case the lead case of Jackson Versus Johns Manville it was probably the biggest case that we had ever had tried and very important case because it involved the precedent for all these injured people who had had asbestosis and some the mesothelioma, a cancer of the lungs as a result of these asbestos fibers allegedly getting in their lungs. And we were preparing for that trial and had set aside I think 4 or 5 weeks for the trial itself and also, of course, I held voir dire of the jury and selected the jury and set three days aside for that the week before beginning Wednesday May the 11th.

Q. What three days --

A. 12th rather. Pardon me. Go ahead.

Q. I'm lost in your answer and my question.

A. All right.

Q. Which is it?

A. Go ahead. I'm sorry.

Q. I'm sorry. My turn.

A. Okay.

Q. What day did jury selection when did you set jury selection?

A. May 12th.

Q. Wednesday?

A. Yes.

Q. And how many days did you set aside for it?

A. Three, Wednesday Thursday and Friday.

Q. By the way, normally in this case there's one judge sitting, 99.9 out of a hundred cases I guess one judge sits, right?

A. Yes.

Q. For some reason this case was so important not only were you going to sit but Judge Roper was going to sit?

A. Yes.

Q. Why were you going to have 2 judges?

A. He had been living with these asbestos cases. He had held numerous conversations with the attorneys. He had heard many pretrial motions nondispositive motions including discovery motions. He knew the ins and outs of the case. That was his assignment, one of his principal assignments to do all this and get the case prepared for dispositive motions and pretrial and the trial and he was very familiar with everything and he sat with me I think in the selection of the jury and certainly in the trial of the case.

Q. The week previous to the jury selection the week of May 2nd through May 8th, were you available to prepare yourself or together with Judge Roper for that asbestosis case?

A. No.

Q. Where were you?

A. Fifth Circuit Judicial conferance in Texas.

Q. San Antonio?

A. Yes.

Q. How long were you there?

A. Conference began Sunday,.

Q. That would be May 2nd?

A. May 2nd. And it ended Wednesday, but since Barbara and I were there and I knew that I was going to be tied up on this asbestos case for weeks, not only would I be working on it a lot at nights, but would be very tired, we decided to stay until the weekend.

Q. And did you do that?

A. Yes, we did.

Q. You were in San Antonio from the 2nd until Saturday or Sunday?

A. Saturday or Sunday.

Q. The next two days, two days left then in the work week before the beginning of voir dire, am I correct?

A. Right.

Q. What were you doing on Monday and Tuesday? Did you have time to prepare for the asbestos case?

A. Monday I had motions in other cases, dispositive motions, most of my other cases. I say most of them, many of my other cases set and heard them all day Monday.

Q. How about Tuesday?

A. Tuesday I forget exactly what it was, but I know I was busy Tuesday.

Q. Okay. It was involving matters --

A. Unrelated to the asbestos case.

Q. Did the voir dire go all day Wednesday?

A. Yes.

Q. And continued, the selection continued all day Thursday?

A. Yes.

Q. When did it end?

A. Ended late Thursday.

Q. Okay.

A. Jury was selected and sworn.

Q. By the way, was this a jury that was going to be sequestered?

A. Sequestered, the attorneys had requested that. The case was quite notorious in the news media, so this was one of those rare occasions when we would have a sequestered jury in a civil case.

Q. Okay. Did however did you make a decision, the jury was selected and empaneled I guess on the evening or late in the afternoon of Thursday, the 13th?

A. Yes.

Q. With the agreement of counsel, what was decided about the sequestration?

A. I called counsel in and asked them if they would agree to let me, let the jurors go home over the weekend since we had selected them Thursday and we weren't going to begin the trial until Monday. I know they wanted to be with their families, wanted to get ready for the long trial, so they agreed and I let the jury go home and come back Monday.

Q. As a practical --

A. To their respective homes.

Q. Practical matter they ended up -- about three weeks of the trial?

A. Yes.

Q. Coming back now, had you expected the voir dire to end that quickly?

A. No.

Q. On Friday therefore there was no voir dire any more, right?

A. Correct.

Q. What did you decide on Thursday to do with the day on Friday?

A. Since we had finished a little early, I decided to hear what's called in limine motions, motions which dealt with the admissibility of evidence during the trial and what have you. It would save us time, save me time taking time out and hearing arguments during the trial and ruling on the admissibility of evidence during the trial.

Q. Did you do that Friday morning?

A. Yes.

Q. There is a document, Defendant's Exhibit 30 in evidence, which reflects those motions having been heard that day; how long were you in court?

A. Took an hour and a half in court.

Q. Did you sit together with Judge Roper?

A. Yes. I think we did, I think he sat with me. I'm pretty sure he did.

Q. Okay. You heard him testify that was his recollection as well?

A. Yes.

Q. You know you were there, right?

A. Yes.

Q. What did you do for the balance of that day, what's your best recollection?

A. My best recollection is I prepared for the trial of that asbestos case that was beginning Monday. Read the pretrial order again, went over proposed jury instructions, read some of the depositions with respect to the motions that I had to decide, the admissibility of certain evidence and what have you.

Q. That took place, where were you?

A. In Biloxi in my chambers.

Q. Who was your law clerk at the time?

A. Mark Carlson.

Q. That's the gentlemen, young lawyer who testified this morning?

A. Yes.

Q. What was your practice with respect to even less significant -- less significant, all cases are important. But cases that are, aren't as complex, what day of the week do cases normally begin?

A. Monday.

Q. And what was your practice at that time with respect to the Friday afternoon preceding such a trial?

A. To sit down with my law clerk and go over any problem areas that we anticipated, talk about the case, talk about various aspects of it.

Q. Do you have any specific recollection of any particular discussion you had with Mark on that day?

A. No, not specifically.

Q. Did you and Mark, the two years he was there, discuss these every day that you were together?

A. I don't understand the question.

Q. Did you have occasion to work with Mark or he with you everyday while he was working for you?

A. Correct.

Q. And were there matters that were still pending that needed to be addressed or for you to understand before the trial began on the 17th?

A. Very definitely.

Q. In any event, as you sit on the stand, are you positive that you did not come to Hattiesburg that day?

A. Yes.

Q. Where did you spend the entire day?

A. In my chambers in Biloxi.

Q. Let me show you one other thing. Could I see, the document that's been introduced in evidence, could I have Defendant's Exhibit 30 and the Holmes calendar. I see, you were hear when this document was introduced in evidence, correct?

A. Yes.

Q. Let me show you Defendant's Exhibit 30. Is this the docket sheet for your -- for the events of the asbestos case showing that on May 13th you were in court all day?

A. Yes.

Q. And that the following day that you were in court from nine to ten-thirty, correct?

A. On the 12th all day, and --

Q. Talking only about the 13th?

A. I'm sorry. From what now?

Q. 13th you were in court all day, right?

A. Yes.

Q. You were in court from 9:30 to 12:15 in the morning?

A. Correct.

Q. From 1:30 to 4:45 in the afternoon?

A. Right.

Q. That's the 13th?

A. Yes.

Q. You have already told us what you did on the 14th, right?

A. Yes.

Q. That's reflected on the other document relating to motions on the 14th, right?

A. Yes.

Q. Let's look at this calendar. You've had nothing to do with this calendar?

A. Never seen it before.

Q. Yet your name appears on what day in May as having been at Bud Holmes' office?

A. Thursday, May 13th, 4:15.

Q. And you were where, according to the official court records of this court at that time on May 13th?

A. I was in Biloxi selecting a jury for the asbestos case from 9:30 until 4:45 p. m.

Q. Do you have any knowledge when this, this word, these words Judge Nixon, got on this document?

A. No.

Q. Who had possession, whose calendar is this?

A. Well, I've been told it's Bud Holmes'.

Q. And on the following day as you just testified, where were you the whole day?

A. In Biloxi.

Q. And do I, I take it from the calendar there is nothing on the calendar with any names on it on May 14th, am I correct?

A. That's correct.

Q. Between March of 83 and April of 84, you got the span of time I'm talking about?

A. Yes.

Q. For the following year, did you have any face to face meetings with Wiley Fairchild?

A. No.

Q. Did you have occasion to call him?

A. I might have called him once or twice.

Q. Anything more than chitchat?

A. That would have been in 83?

Q. During the remainder of the year 83?

A. Yes.

Q. How many times, one time?

A. I don't recall. Wouldn't have been many, if any.

Q. At any time after, from the year 83 or beyond, did you ever discuss Drew Fairchild in any way with Wiley Fairchild or Bud Holmes?

A. No.

Q. During the year 1983, sort of left Carroll Ingram sitting off in left field, but is it fair to say that during the time we talked about in 81, 82, 83, you continued your friendship with Carroll, right?

A. We remained friends, yes.

Q. You would see him on occasion?

A. Yes.

Q. Talk to him?

A. Yes.

Q. Did you mention to him, he was, by the way, he was one of those who was at the reception at Bonnie and Clyde's?

A. Yes.

Q. Had you ever mentioned to him in 1983 that Wiley Fairchild had mentioned another investment to you?

A. Yes.

Q. Why did you mention it to him?

A. Carroll had been the one that introduced us and put me in the first investment. We were talking, and I mentioned that Wiley Fairchild had mentioned to me at that reception back in 19 — at the reception about another deal.

Q. That was back in 82?

A. That was possible in October of 82 that he might have something and would get in touch with me.

Q. In talking to Carroll Ingram, did you mention to him that you had passed on a complaint of Wiley about Bud?

A. Yes.

Q. To Bud?

A. I didn't tell him a complaint, I told him Wiley had asked me to pass something on to Bud and I had done it.

Q. Did you say this in any secretive way to Carroll?

A. No.

Q. Any embarrasment about --

A. No, there wasn't any reason to be.

Q. Was there any reason why you were guilt ridden, conscience stricken in talking to Carroll about it?

A. Of course not.

Q. By the way, did you ever engage in another investment with Wiley Fairchild?

A. No.

Q. Okay. Was your comment to Carroll Ingram simply something you were telling him because he had originally introduced you to Wiley?

A. Yes.

Q. Let's direct your attention to April of 1984. Would you indulge me one moment? Let's approach the bench one moment.

(At the bench, not reported.)

BY MR. FAWER:

Q. Let me direct your attention to April of 1984. Specifically April 19, of 1984, okay?

A. All right.

Q. You recall that day?

A. Yes, I do.

Q. Okay. Do you know a man by the name of Weldon Kennedy?

A. Yes.

Q. Who is he?

A. He was in charge of the FBI in Mississippi at that time.

Q. Okay. You knew him by the fact he was the head of the FBI?

A. Yes, I had met him, been around him. We weren't personal friends, but we were acquaintances.

Q. Did you get a call from him?

A. Yes.

Q. Where were you?

A. I was in my ~~chambers~~ in Biloxi. In fact I think I was in court. I'm not sure whether I was in court at the time; I know I was part of that afternoon. And I called and I did talk to him. I don't know whether he got me or I returned his call when I came out of court. I think he probably got me before I went back into the courtroom that afternoon.

Q. All right. Tell us what he said to you and you said to him?

A. He said hello. Said Judge, I've got someone down here from the Department of Justice in Washington who wants to come by to see you together with one of my agents about a matter. I said okay, fine. I'll be in court, but I told him about what time I thought I would be out.

Q. Which was what time?

A. I don't recall, but it was about mid afternoon.

Q. Okay. Did he mention to you what this was about?

A. No, he didn't.

Q. Did you bother asking him?

A. No.

Q. Were you upset in any way somebody wanted to some talk to you?

A. No, I've had many FBI come talk to me about various matters at various times. I've had people from the Justice Department on matters, come down and handle these matters before me.

Q. That afternoon did you, were you told that there was somebody to see you?

A. Yes.

Q. Who told you that?

A. My secretary.

Q. And did you let them in the office?

A. Yes.

Q. Into your chambers?

A. Yes.

Q. You say your chambers, judge's offices are called chambers?

A. Correct.

Q. They're not really chambers, they're offices like everybody else's? We have to give them a different name because they are judges. In any event, tell us what occurred when you, first of all, who was it that comes?

A. Mr. Weingarten and Ken -- special agent Ken Whitespunner.

Q. Is he an FBI agent?

A. Yes.

Q. Had you known him before?

A. I think I had met him. I didn't know him well, though, like I did many of the agents who had worked in my court quite often.

Q. Had you ever worked with Mr. Weingarten before?

A. No.

Q. First time he introduced himself?

A. Yes.

Q. Who began the conversation? Tell us what was said?

A. I think he began it, either he or Mr. Whitespunner.

Q. Tell us what was said.

A. He told me he was from the Public Integrity Division of the Justice Department in Washington, and they wanted to talk to me about Redditt Fairchild.

Q. Did you know --

A. I didn't have any idea who Redditt Fairchild was. First time I heard the name Redditt.

Q. Go ahead.

A. I asked him who that was and what it was about. Then he told me it was Wiley Fairchild's son, known as Drew sometimes, and he, they wanted to talk to me about his narcotics case, and also they had been told that I had invested in some oil and gas royalty interests with his father, Wiley Fairchild, and they were down and wanted to talk about the relationship of one to the other.

Q. Okay. Looking into that?

A. Yes.

Q. And what if anything did they want to do at that point?

A. They wanted to record my statement, questions and answers if I would permit them to do it.

Q. Did you agree to do so?

A. Yes.

Q. Did you hesitate, call a lawyer, just say fine?

A. Of course not.

Q. Did you agree to the taping?

A. Yes.

Q. Say a taping, putting on a recording, putting on a recorder right in your presence, right?

A. Yes.

Q. You knew they were taping it?

A. Certainly.

Q. You gave them permission?

A. Yes.

Q. Why did you give them permission?

A. Well, why not, I had nothing to hide.

Q. And then approximately the next hour did they ask you questions and you answered them under -- excuse me, with them being taped for posterity?

A. Yes.

MR. FAWER: Your Honor, at this time we would li play that entire tape. It would take approximately an hou know Your Honor has to break at 4:30. I think it agreed i would be not be good to split it up. If we could, we woul break it at this time and begin first thing in the morning the playing of the tape of that interview.

THE COURT: All right. We'll recess until nine o'clock in the morning.

(Recess.)

(End of Volume 14.)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

UNITED STATES OF AMERICA

V. CRIMINAL ACTION NO. H85-00012(L)

WALTER L. NIXON, JR.

BEFORE: The Honorable James Meredith
Senior United States District Judge

DATE: February 6, 1986

PLACE: Hattiesburg, Mississippi

VOLUME 15

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THE COURT: Proceed.

MR. PAWER: Thank you, Your Honor. Good morning.

MR. PAWER:

Q. I just want to pick up before we come to the listening of the tape, I want to ask you one or two questions that I may have omitted to ask you yesterday. First, with respect to in each year, are there hunting seasons in each year?

A. Yes.

Q. Turkey hunting season, when generally is it in each year?

A. Usually from the latter part of March through May 1st with one day of closed season break it. Call it 2 seasons.

Q. So basically it's April in the month of April would be hunting season each year?

A. That's correct.

Q. For the last as long as you were a federal judge have you for the most part been hunting every -- turkey hunting?

A. I think so.

Q. And have you been to Larry Crowe's turkey hunting?

A. Yes.

Q. And where is Larry Crowe's?

A. It's in Eagle Lake in Warren County, Mississippi not too far in Vicksburg close to Issaquena and Sharkey County.

Q. Altogether how many times do you think you've been to Larry Crowe's?

A. I would say approximately four or five times probably.

Q. Have you ever been there hunting and with Bud Holmes or have you seen him there?

A. I've never gone hunting up there with him to my recollection except possibly one time dove hunting. I don't know whether we went together. I have seen him there on a couple of occasions yes, when he would come up there I believe usually to fish but I was either leaving or arrive after he did. He'd usually come with other people and I was with my friend or two when I went up there.

Q. Is this a location or an area hunting preserve that many people use?

A. It's not a hunting preserve but it's an area which is well hunted and most of it is privately owned or leased by various hunting -- I say organizations, group of hunters.

Q. Was there ever a time when you were up there where you asked Bud Holmes or where you had killed a turkey and asked him to take it back and hold it for you?

A. Yes.

Q. Do you recall what year that was?

A. No, I don't, but it was a few years ago.

Q. Does that event have anything to do with your being at the farm the night in question about what you've testified yesterday?

A. No.

Q. One other question with respect to Bud Holmes or this matter, the events of around March of 1983. Did you ever officially or unofficially seek to influence anybody with respect to the Drew Fairchild case?

A. I did not.

Q. And was that your position at the time you were interviewed and taped by the federal Government on April 19th and is that your position today?

A. Yes.

Q. Coming then to the tape recording, as I understand it, we had set the background yesterday just before we broke in that Mr. Weingarten and Ken Whitespunner the agent from the FBI had come to your office the most general terms as I understand it told you what they were looking into; is that correct?

A. Yes.

Q. And asked permission for you to be able to tape an interview with you, correct?

A. Correct.

Q. Just so we have in mind, it was the Drew Fairchild case and your oil and gas, excuse me, and your investment with Wiley Fairchild in the oil and gas venture; is that correct?

A. Yes.

Q. And that was what you were told as the interview began?

A. Yes.

MR. FAWER: Your Honor, at this time may we pass out copies of the transcript of this tape to help the jury in following it as we go along. It's quite audible, but I think useful to be in their possession. Would that be satisfactory? Judge, do you want a copy?

(Tape played.)

MR. FAWER: Your Honor, well mark this as Defendant's Exhibit 43 in evidence, the tape recording that is.

We would mark a copy of the transcript as 43-A, Your Honor.

THE COURT: May be received.

(Exhibit No. D-43 marked).

(Exhibit No. D-43-A marked).

MR. FAWER: Could we just collect the copies of that transcript from the jury?

(Copies collected.)

BY MR. FAWER:

Q. Judge Nixon, that interview took approximately one hour, is that correct?

A. Correct.

Q. And the gentlemen then left your office, is that correct?

A. Yes.

Q. When they walked ought, you had not known they were coming there except for the call from Kennedy, is that right?

A. Yes.

Q. You didn't know the subject matter until they told you, until Reid Weingarten mentioned the name Drew Fairchild and its connection to the oil and gas deal before he put on the tape, correct?

A. Yes, he mentioned the name Redditt Fairchild.

Q. Explained who Redditt was?

A. Yes.

Q. What was your state of mind when they left that office that day?

A. To say the less, I was puzzled, confused, and very mad, angry.

Q. What were you angry about?

A. I was angry some so-called confidential informant apparently had tried to say there was some connection between Drew Fairchild's drug case and the oil and gas transaction I had with Wiley Fairchild, without any foundation, without any truth to it.

Q. You had never heard of Skip Jarvis at that point?

A. No.

Q. You didn't know about his connection with the government at that point, did you?

A. No.

Q. You didn't know he had tampered with the division orders where he put, intentionally put your middle initial down as O instead of L?

A. Correct.

Q. You had to learn that in this courtroom?

A. Yes, first time.

Q. What did you do after sitting there, they walked out of the office, did you do anything after they left?

A. Yes, I did.

Q. What did you do?

A. I called my best friend, my wife.

Q. Okay. Why?

A. I wanted to share it with her, tell her what had happened, and tell her how puzzled I was, I guess express to her my frustration and my anger about it.

Q. Did you go into a great deal of detail with her?

A. No, not at that time. I told her I'd talk more about it when I got home.

Q. It was late in the afternoon?

A. Yes.

Q. It had ended about quarter to five, went from 3:40 to 4:42. After you spoke to Barbara, who else do you recall calling?

A. I recall calling during that day or night both Carroll Ingram, George Phillips and Bud Holmes.

Q. Okay. Why did you call them? First let's talk — do you recall who you called first?

A. No, I don't.

Q. Do you recall what you said to them? Were you asking, was the questions or the subject of the conversation the same in all three, as to all three conversations?

A. Pretty much so.

Q. What was it you were telling to them, saying to them, tell us about it?

A. I told them basically and briefly what had happened. I asked them if they knew anything about it and what information they could give to me about what was going on, what it was all about, if they knew.

Q. Carroll Ingram, did you at all discuss with him or did you mention to him the backdating question that Reid Weingarten had raised?

A. I talked to him about that.

Q. Was he able to inform you, elaborate on it, give any explanation?

A. Carroll reminded me about what had actually happened, and I recalled it.

Q. Okay. Aside, aside from the discussion, the backdating, what if anything -- did you speak to -- backdating with Ingram, why did you call George Phillips?

A. George was United States Attorney, and of course I knew him well, were good friends, I worked with him. I thought perhaps he could tell me something about what was going on. It was the Department of Justice matter, and he's their representative in the Southern District of Mississippi as United States Attorney, works for them.

Q. What was his response?

A. He said he didn't know a thing about it. This was the first he knew about it.

Q. Did you speak to Bud Holmes?

A. Yes.

Q. Tell us what you said to him?

A. I told him basically what had happened. I asked him what was going on with reference to the matter, what they had alleged. I knew nothing about the matter, and he responded he didn't know anything about the investigation, first he had heard about it.

Q. That was my question. Had he had anybody approach him at that point from the federal government?

A. He said not.

Q. In that conversation with Bud Holmes, was there any discussion whatsoever about the telephone call that you've heard testified about here today --

A. No.

Q. -- in this courtroom?

A. No.

Q. Did you ever ask him to check with anyone whether that telephone call to Wiley Fairchild back in 1983 had been taped?

A. No.

Q. That evening, did that basically, was that basically your conversation with Bud Holmes?

A. Yes.

Q. What you just told us? That evening when you went home, did you further discuss it with your wife?

A. Yes, I did.

Q. At the time of this interview, at the time you were on the phone with Ingram, Phillips, Holmes, was the telephone call anything that you even thought of at that point in time?

A. No.

Q. Did it have any connection to what you understood they were focusing in on?

A. No, it didn't.

Q. The following day did you make a call to the FBI?

A. Yes.

Q. Who did you call?

A. I called Weldon Kennedy, the head of the FBI in Mississippi, the chief, agent in charge.

Q. Was he the one who first called you the day before to set up that interview?

A. Yes.

Q. Why did you call him?

A. I called him to tell him I had found the documents, copies of them they wanted, he could send Agent Whitespunner, anyone to get them at my house on Saturday, and I had found copies at the house that I didn't even know I had, wasn't necessary to get them back from the bank. I had given copies to the bank also in connection with some matters. I also asked him what was going on. He in effect said well, it was just sort of a perfunctory investigation at the time, he didn't know much more about it.

Q. Okay. Just so the jury understands, at the interview the day before, you thought the copy was with a banker of yours?

A. Yes, I told Mr. Weingarten and Mr. Whitespunner that, either before or after the recording, during the interview -- see, there was a few things said before the recording, introduced themselves.

Q. You saying after it was over there was some discussion about your going and finding the documents if you could?

A. Yes.

Q. In any event, you did find at home the documents which have now been introduced in this trial, correct?

A. That's correct.

Q. I believe it's Defendant's Exhibit -- I believe it's 19, the notes, are those the documents that you found?

A. Yes.

Q. And the checks, did you turn over the checks at that time in payment of the notes or just the notes themselves?

A. Just copies.

Q. Copies?

A. Of the instruments and notes.

Q. Of the notes?

A. Of the conveyances and the notes.

Q. And did you have copies of the deeds as well?

A. Yes, conveyances of deeds.

Q. The conveyances or assignments, the three copies, all of which were dated February 25, 1980?

A. Yes.

Q. That's what you turned over the following day?

A. Yes.

Q. To whom?

A. To Mr. Whitespunner.

Q. Was there any discussion with him at all on that day about anything?

A. Just briefly about the situation, about --

Q. What was it?

A. Well, he asked me again about what was the unorthodox part of it.

Q. What did you explain?

A. I told him the unorthodox part actually was when the transaction had actually taken place and the date that was on the deeds, also the, that is February, 1980 when we actually, the instruments were signed, the first part of 1981, and also the fact that there was a delay, such a long delay in any royalty payments coming after apparently production began.

Q. Okay. And that was your recollection at that time?

A. Yes.

Q. That's the sum and substance of it?

A. Yes.

Q. It has been testified to here by Bud Holmes, and it's not a question that he was interviewed by the FBI or Department of Justice on April 25th of that same year, I guess it was some six days after you were interviewed, okay?

A. All right.

Q. Did you make any effort to contact him at that time, either before or after, to in any way discuss what had been asked of him by the Department of Justice or the FBI?

A. No.

Q. Carroll Ingram was interviewed on or about May 10th by the Department of Justice and the FBI. Did you make any inquiry of him before or after, what he was about to say or what he in fact was questioned about?

A. No.

Q. Did there come a time in 1984 when you learned from some source that there was to be a grand jury convened concerning this subject?

A. Yes.

Q. When do you recall learning that?

A. It was I think somewhere in the middle of 1984.

Q. When you say the middle, when was the grand jury convened?

A. July.

Q. So when did you learn of it being, what's your best understanding or recollection of it being convened? When there was some publicity about it?

A. It was a few weeks before that. I read a lot of -- the news media were covering it, reporting things about it.

Q. Is that where you basically were getting your information from?

A. Yes.

Q. When that occurred, had you made up your own mind or come to any conclusion, when you learned there was a grand jury, had you made any decision as to whether you wanted to appear before that grand jury or whether you would appear if subpoenaed?

A. Yes, I wanted to.

Q. Okay. Did you retain the services of an attorney?

A. Yes.

Q. Who was that attorney?

A. Bill Goodman of Jackson.

Q. Is Bill Goodman a criminal attorney?

A. No.

Q. What is his background?

A. He is with the firm of Watkins -- senior partner in the firm of Watkins and Eager, a very respected firm, did a lot of business law.

Q. Why didn't you retain a criminal attorney?

A. Because I can't conceive that there was any need to. I had done nothing wrong, and I didn't conceive that things would go in this direction.

Q. Okay. Did you ask, did he become your representative in terms of contacting the people at the Department of Justice who were running the grand jury?

A. Yes.

Q. Did you ask him to pass on to them your request to appear before the grand jury?

A. Yes, I did.

Q. And did he do so?

A. Yes.

Q. And were you told or did he tell you that you would be permitted to appear?

A. Yes.

Q. And did you appear?

A. Yes.

Q. When was that?

A. July of 1984.

Q. Okay. At the time you were, the time -- when in July, do you remember?

A. 20 something I think of July. I'm not sure of the exact date.

Q. We have the transcript.

A. Whatever date.

Q. July 18th?

A. 18th.

Q. At the time were you, were you at that week in Biloxi on business, holding court, where were you?

A. No, I was with my family in Destin, Florida for our two week vacation.

Q. That's the vacation you normally take?

A. Yes.

Q. Did you come back for your appearance before the grand jury?

A. Yes, I did.

Q. Had you ever been before a grand jury before?

A. No.

Q. Had you ever been a witness in any proceeding before?

A. No.

MR. FAWER: At this time, Your Honor, I would like to play, submit to the grand jury a transcript of the -- excuse me, to this jury a transcript of that grand jury and to play the grand jury proceeding to them. Your Honor, the quality, I think there is a little different quality on this tape. My recollection is that the beginning of it is a little bit, the audibility is not very good at the beginning, but that's really in the point where there is just advising him of his rights. It is not as clear as the other, but we'll try to see how it works.

(At the bench, not reported.)

THE COURT: We'll take a short recess.

(Recess.)

MR. FAWER: Judge, if I might just mention that obviously the taping of it in the grand jury was a different location than the judge's office. We have tried while the jury was out tried to modulate. It's not a clear taping. I guess the size of the room, the size the room, the grand jury room itself. There might be necessary as we get into it to try to, you know, readjust. Hopefully, we won't have to. Quite candidly, my recollection not as good a tape but with the transcript there's no problem. We have done the best we can. This is the grand jury appearance of Judge Nixon on July 18th, 1984.

(Tape played).

MR. FAWER: Your Honor, we will offer this as the next Defendant's exhibit.

THE COURT: May be received. What number?

THE CLERK: 44.

(Exhibit D-44 marked.)

MR. FAWER: 44, Your Honor. And we would make the transcript 44-A.

MS. LITTLE: I think it's already in.

MR. FAWER: I'm sorry. I'm told the transcript is already in. Judge, we have some more testimony. Do you want to take a break now, or does the Court --

THE COURT: You indicated you didn't have very much more.

MR. FAWER: About half an hour.

THE COURT: Let's recess until one-thirty.

(End of Volume 14.)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

UNITED STATES OF AMERICA

V. CRIMINAL ACTION NO. H85-00012(L)

WALTER L. NIXON, JR.

BEFORE: The Honorable James Meredith
Senior United States District Judge

DATE: February 6, 1986

PLACE: Hattiesburg, Mississippi

VOLUME 16

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COLLEEN O'CONNOR
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MR. FAWER: May I proceed, Your Honor?

THE COURT: Yes.

MR. FAWER:

Q. You've just listened Judge Nixon, you've just listened to the tape of the grand jury inquiry of you on July 18th of 1984. First, in your mind when that was going on and as you left that grand jury while it was going on, what did you understand from your point of view was the thrust of the grand jury's inquiry or the Government's inquiry in the grand jury?

A. Well, the focus of it was whether there was any link or connection between the oil and gas transaction that I had entered into with Mr. Wiley Fairchild and the Drew Fairchild drug case.

Q. Had that been the same focus as the interview of yours in April?

A. Yes.

Q. When you were in the grand jury at any time while you were in the grand jury, were you ever asked about that evening in question that you described here or about the telephone call to Wiley Fairchild?

A. No.

Q. While you were in there, did you in fact were you aware of the fact that there had been a discussion between you, excuse me, there was a meeting where you were over at Wiley's office and then you had been at Bud's farm that evening and the phone call. Were you aware of that when you were in the grand jury?

A. Yes.

Q. Let me look at the indictment for a moment. I want to direct your attention to it and I have it in front of me and according to the indictment and according to the grand jury transcript you were asked the following. Question. Did Wiley Fairchild ever discuss the case with you. Your response. No, not to the best of my recollection. I think I'd recall that if he had, but I don't recall that he ever did. Did Wiley Fairchild ever discuss the Drew Fairchild case with you?

A. No.

Q. Were you telling the truth when you gave that answer to the grand jury?

A. Yes.

Q. You've testified about a meeting in his office. Do you recall?

A. Yes.

Q. At that time did you ever discuss the Wiley Fairchild, excuse me, the Drew Fairchild case with Wiley?

A. No. All he did was make a complaint to me about blackmail publicity. Dragging of the Fairchild name through the mud in the news media.

Q. Once again, was there any discussion brief or long about the case in his office on that occasion?

A. No.

Q. In the indictment you were askea. Did Wiley Fairchild ever ask you to do anything visa ve his son's case. Your answer. Absolutely not. Were you telling the truth at that time?

A. Yes.

Q. At any time including that day in his office did Wiley Fairchild ever ask you to do anything about his son's case?

A. No.

Q. You told us that at that time Wiley didn't ask you that, you had an impression that he wanted you to mention something to Bud; am I correct?

A. Yes.

Q. Tell the jury again what is it you understood or felt he wanted you to mention to Bud Holmes.

A. The fact that he felt he was being blackmailed and that his good name was being drug through the news media.

Q. Was there any request of you, did he ask you to do anything about his son's case on that occasion?

A. No, he did not.

Q. Looking at the next count. Count 3, you were asked. The grand jury has heard evidence the state prosecutor who eventually handled the case was an individual named Bud Holmes. Is he a friend of mine, very good friend, long time friend, yes. Question. Did he ever discuss the Drew Fairchild case with you. Answer. No, not to the best of my recollection. I think I would recall if he had. Were you telling the truth by giving that answer?

A. Yes.

Q. You've told us of a meeting at the farm that night, correct?

A. Yes.

Q. Did you ever discuss the Drew Fairchild case with him at that time?

A. No.

Q. What did you tell him?

A. He wanted to tell me about the case and I told him I didn't want to hear about it. I just passed onto him the complaint of Mr. Fairchild that he was being blackmailed by Bud Holmes.

Q. By the way, I haven't heard anybody testify to the contrary, but you tell this jury any time after that evening did Wiley Fairchild ever mention that subject of the blackmail, the publicity to you at any time thereafter?

A. No, he didn't.

Q. When you were having that discussion, when you went to Bud that night to pick up the records, you had a drink and making phone calls and you described your talk with him that night, did you have any knowledge whatsoever that Bud Holmes had indicted Drew Fairchild in part in order to help Bill Porter collect a legal fee?

A. No, I didn't.

Q. When did you first learn of that?

A. When I heard it here in the witness box from Bud Holmes during this courtroom.

Q. Let me move on to Count 4 which is the last count of the indictment. You were asked there as a final question was there anything you wanted to add and you made a statement in it and I'm reading just those portions of the indictment which have been underlined and are according to the Government false. I want to read that portion to you. First the introductory paragraph and included in it is that portion. And I want to say this that I've been told and led to believe and read in the newspapers and heard on the news media so much about this investigation of the Drew Fairchild criminal case. Now I have nothing whatsoever officially or unofficially to do with the Drew Fairchild criminal case in federal or state court. I've never talked to anyone about the case any federal judges, state judge, federal prosecutor, state prosecutor and I never handled any aspect of this case in federal court. Then you go onto say. As you know, Judge Cox handled it. I don't know whether someone told me maybe Judge Russell had it, maybe one of the defendants, but I never handled any part of it, never had a thing to do with it at all and never talked to any state or federal prosecutor or in any way influenced anybody with respect to this case. That's the statement you made to the grand jury. Were you telling the truth?

A. Yes.

Q. Did you ever at any time as you sit on this stand do a thing to influence the outcome of the Drew Fairchild criminal case?

A. No.

Q. Have you heard anybody in this courtroom claim that you had?

A. No, I haven't.

Q. Judge Nixon, when you went to that grand jury you testified took up approximately two hours of time interrogation by 2 attorneys as I recall. Mr. Weingarten and another attorney I think name was Richter is that correct?

A. Yes.

Q. And the grand jury was present?

A. Yes.

Q. In excess of 20 citizens of the community, right?

A. Correct.

Q. Did you at any time intend to lie before that grand jury?

A. Absolutely not.

Q. Let me ask you one more question. Maybo it's not in issue but I want to ask it anyway.

A. I did not lie.

Q. I want to ask you another question. You told us that you went to that grand jury or when you were at the grand jury you were aware that you had seen Wiley on a night several years before or I should say an afternoon that you were at the farm and passed on the blackmail complaint of Wiley's to Bud Holmes, right?

A. Right.

Q. And that Bud then made a phone call to Wiley which surprised you but it did occur, correct?

A. Yes.

Q. And you're in the grand jury. Were you aware at that time did you remember those events?

A. Yes.

Q. Why then -- I understand you weren't asked the questions, but I want to go a step further. Why didn't you volunteer the information to the grand jury? Just volunteer it as an extra tidbit for them?

A. All right. The focus of the entire investigation, the interview with me by Mr. Weingarten and Mr. Whitespunner, all of the news media publicity, my conversations with Bill Goodman, my attorney, all showed that the focus of the investigation was whether there was any link or connection between the Drew Fairchild drug case and my oil and gas transaction with Wiley Fairchild. Bill Goodman and I spent many hours together.

Q. That's your attorney?

A. Yes.

Q. Go ahead.

A. With reference to that matter, with reference to the impending grand jury investigation. We discussed it. He's a good lawyer, he advised me as any good lawyer would advise his client to listen to the questions and answer the questions, to be responsive to them, and I did.

Q. Had you ever been a witness before in a grand jury?

A. That was the first time I'd ever been a witness.

Q. In any proceeding?

A. In any proceeding.

Q. Did you follow or try to follow his advice in the grand jury?

A. Yes, I did.

Q. When you went in that grand jury what in fact was the focus of the inquiry?

A. The focus was the Drew Fairchild drug case and the oil and gas transaction that I had with Wiley Fairchild and whether there was any connection or link between the two.

Q. And was there?

A. Absolutely not.

Q. Were you intent on making that clear to that grand jury?

A. Yes.

Q. To move on from that point in time. You left the grand jury and did you return to your family?

A. Yes, I did.

Q. Down on the Coast at the time, right on the Florida Coast?

A. Yes.

Q. In that same day or I guess two days later, Bud Holmes went to the grand jury on July 20th. Did you ever discuss his grand jury testimony with him?

A. No.

Q. Did you ever ask him what was asked of him or anything to do with it?

A. No.

Q. Let me just, at this point in August of 19 -- there's been some testimony that there came a point when you were notified -- let me withdraw that and ask the question a different way. There initially or at least by the time the notes had been paid off, as I understand it, you thought that you already had paid all the interest from February of 80 through the date that you paid the notes off, is that correct?

A. Yes.

Q. There came a point, did there not, when you were notified by the Fairchild -- by somebody in the Fairchild organization that they had not calculated the additional interest and you were sent a request for it, is that right?

A. Correct.

Q. Do you recall approximately when that was?

A. It was after my grand jury experience.

Q. Had you had any discussion with Wiley Fairchild about this subject?

A. No.

Q. Or any of his representatives, anything like that?

A. No, I didn't.

Q. Did the request come out of the blue?

A. Yes.

Q. Did you look at the numbers, have them calculated and send a check in payment?

A. Yes.

Q. I show you what's already been marked in evidence as Defendant's Exhibit 24. Is that the letter, the cover letter you sent back, the copy of the cover letter you sent back together with your check in the amount of $951.10?

A. Yes, it is.

Q. Thank you very much. Okay. In September of -- I take it these events that I am discussing with you, I'm talking about appearances or individuals before the grand jury. That grand jury met in this building, am I correct?

A. Yes.

Q. Is it fair to say that every event or every move of that grand jury to the extent possible was reported in the press, is that correct?

A. Appeared to be that way.

Q. And the press -- be taht the press on the coast or up in Jackson or the local press in Hattiesburg?

A. Yes.

Q. Okay. In September -- Bud Holmes went back to the grand jury on September 5th. Did you have any discussions with him before or after concerning his proposed grand jury appearance or what had been asked of him in that grand jury?

A. No.

Q. Did you seek him out in any way?

A. No.

Q. In November, Wiley Fairchild, excuse me. In September Wiley Fairchild was indicted. You were aware of that, were you not?

A. Yes.

Q. And in November he entered a plea, did he not?

A. Yes.

Q. That received a great deal of publicity?

A. It did.

Q. Did you at that time have any discussions with anyone, Bud Holmes, Wiley Fairchild, anyone about the events or about the implications of Wiley pleading guilty?

A. No.

Q. Did you have any discussions with Carroll Ingram?

A. No.

Q. On February -- by the way, was there a fair amount of publicity about -- let me just ask you. In the end of 1984, was there a fair amount of publicity and speculation about Carroll Ingram's position vis a vis the Department of Justice?

A. Yes.

Q. Did you make any effort to talk to him about it?

A. No.

Q. Where were you on February 15th of 1985?

A. Holding court here in Hattiesburg.

Q. This courtroom? The other courtroom?

A. The other courtroom.

Q. Okay. What day of the week was it?

A. I'm not sure. I think it was -- I don't know what day February 15th was.

Q. Okay.

A. During the week though, weekday.

Q. Weekday. Did you have a, let me direct your attention to the evening hours. Did there come a time you had received a call from Bud Holmes?

A. Yes, when my jury went out to deliberate in this products liability case, civil case, my secretary told me that Bud Holmes had called and wanted me to call him, return his call.

Q. When you had the jury out and had some free time, were off the bench, did you make such a call?

A. Yes.

Q. Where did you reach him?

A. At his office.

Q. What if anything did he say to you?

A. He said that it was very important, he had to talk to me about something right away. I told him I had a jury out, to come on up here. He said no, the lawyers around here would rather not come up at all. He asked me if I could meet him downstairs.

Q. Downstairs being where?

A. Where I park my automobile.

Q. Did he suggest that?

A. Yes.

Q. Did you agree to do so?

A. Yes.

Q. How long did it take before you met?

A. Oh, I'd say ten or fifteen minutes.

Q. This is in mid-February of 1985?

A. Yes.

Q. It's dark?

A. Yes.

Q. Okay. The jury is out, you're downstairs with Bud -- are you in the car?

A. Yes.

Q. Sitting in a car?

A, Yes.

Q. Tell us what --

A. My car.

Q. Your car?

A. Yes.

Q. Sitting in the front seat of the car?

A. Yes.

Q. Tell us what he says to you on that occasion and what you say to him?

A. He said he had testified before the grand jury that he had not talked to Wiley Fairchild about his son's case, and that Carroll Ingram told him that he had told the Department of Justice that he had acknowledged to him that he had.

Q. Let's get this a little -- I want to get that clear. The first statement concerned, was Bud telling you what he had already testified previously to the grand jury?

A. Yes.

Q. Let's hear it again. I want to make sure the jury understands the sequence.

A. All right. He said that he had testified before the grand jury that he had not talked to Wiley Fairchild about Drew Fairchild's case.

Q. Okay. Then he told you something about Carroll Ingram?

A. He told me, Carroll Ingram told him that he, Carroll Ingram, had told the Department of Justice that Bud Holmes had acknowledged to him that he had made a phone call to Wiley Fairchild and talked to him about the case, and that he was afraid that he was going to be indicted for perjury.

Q. Okay. Did he make, what else did he say?

A. He suggested that there was no phone call made.

Q. Did you ever suggest that?

A. Absolutely not.

Q. Go ahead. What did you did he say?

A. What did he say?

Q. Did he say anything else at that time?

A. No. I told him, I said Bud, you made that telephone call from your farm that night, there wasn't a thing wrong with it, I don't know what you said on the phone, but as far as I'm concerned there was nothing wrong with the phone call, nothing wrong in it at all, and better tell the grand jury the truth, because if I'm asked about it I'm certainly going to.

Q. What did he say, if anything?

A. He said, I don't know what I'm going to do.

Q. Did that end the meeting?

A. Yes, he was quite upset.

Q. Had you ever seen him in that state before?

A. Not like that, no.

Q. He had mentioned to you, apparently he had just spoken to Carroll, at some point shortly before this he had spoken to Carroll?

A. That's right.

Q. Were you aware of the fact that between that date, let me interrupt. You went up, finished up your business upstairs then?

A. Yes, the jury came in with a verdict some good while later.

Q. Okay.

A. I think close to midnight if I'm not mistaken.

Q. Did you, were you aware, until you heard it in this courtroom, that he had, or preparing for this trial, that after speaking to you and after that weekend that he went back to talk to Carroll Ingram again?

A. I didn't understand your question.

Q. Were you aware until you learned it shortly before this trial that after talking to you on February 15th, within a few days after he had gone back and talked again with Carroll Ingram?

A. No.

Q. You do know, however, he did go to the grand jury on February 21st?

A. Yes, that was reported in the newspaper.

Q. Okay.

A. And on TV I think.

Q. By the way, at that time did you have any awareness that in any way that not only had Bud talked to Wiley Fairchild that night from his farm, were you aware of the fact that he and Dickie McKenzie had gone to Wiley Fairchild in December of 83 and discussed the Drew Fairchild case?

A. No.

Q. Were you aware of the fact that he had telephoned Wiley Fairchild the day after he had indicted Drew, telling him to get Drew up to his office so he could make bond?

A. No.

Q. So there were three instances that you now know in which he, Bud, had discussed the case in some way with Wiley Fairchild?

A. Yes.

Q. It was Bud who told you that he had already told the grand jury he had not done so, correct?

A. Correct.

Q. From February I take it, you told us that Bud went to the grand jury on February 21st. Aside from his coming to see you that night on February 15th, after he went to the grand jury -- first, before. Any more contact before he went to the grand jury?

A. No.

Q. No discussions with him?

A. No.

Q. When he comes out of the grand jury, did you talk to him, try to find out what was asked of him, any further conversations?

A. No.

Q. On March 29th of 1985, Bud Holmes was indicted, am I correct?

A. Yes.

Q. Did you have any contact with him? Did you try -- did you make any concerted effort in fact not to be seen, not to be seen, but not to discuss the case with Wiley Fairchild or Bud Holmes or any of these people?

A. Yes.

Q. At whose request or direction?

A. My attorney, Bill Goodman.

Q. Okay. Let's turn to mid-April, about April 12th, 1985. You have a friend or someone who is named Sam Peterson?

A. Yes.

Q. Who is Sam?

A. He's retired chief deputy marshal, deputy United States Marshal for the Southern District of Mississippi.

Q. He's now retired?

A. Now retired.

Q. Had he just retired?

A. He retired in April of last year, 1985.

Q. There was a party held?

A. Yes.

Q. Were you to be one of the speakers at the dias?

A. Yes.

Q. Was there a cocktail hour before it?

A. Yes.

Q. Where was it held?

A. It was at the Broadwater Country Club I think they call it, the Broadwater golf course, what have you, on the coast in

Biloxi.

Q. Lots of people there?

A. Yes.

Q. Tell us what occurred there. Did Bud Holmes show up there?

A. Yes, he did.

Q. First of all, point -- give us the scene, tell us what happened.

A. Barbara and I were there, many other people, many other couples. The party was in full bloom.

Q. This is about, what, if I understand correctly, only twelve days after Bud's been indicted?

A. It was April 12th is when the party was.

Q. Bud was indicted on the 29th, so I guess it's 14 day later. Go ahead.

A. Bud came in, and after he was there a while, I was standing in the middle of the floor talking to somebody, I forget.

Q. Were you surprised to see him there?

A. Yes, I was. He had just been indicted recently by the grand jury. I was very surprised.

Q. Surprised he was down at the party?

A. Yes. He walked up to me in the middle of the floor, and whoever I was talking to said something to him, small talk, and then walked off. And he told me, he said to me, Bud did, he said -- let me see if I can recall exactly what his words were. I don't think I'll ever forget them. He said, you know with reference to that phone call in question, he said you said I made the phone call; I don't remember making it, I was drunk. Said I was drunk and you were sober, and before anything else could be said, someone else walked up and that was the end of it.

Q. Nothing else about it?

A. Thank goodness.

Q. Was that the end of it?

A. Yes.

Q. Were you, did you want to discuss this matter with him at that time?

A. No.

Q. Did you seek him out?

A. No.

Q. Was this a crowded, room full of people, all of whom were aware of the publicity basically?

A. Yes.

Q. Have you seen him again until you saw him in this courtroom?

A. No.

Q. Bud Holmes, according to the record, pled guilty on the eve of his own trial, day of his own trial in June of 1985, and for the fourth time went to the grand jury and testified on June, I think it was June 18th or June 28th of 1985. You're aware of that now?

A. Yes.

Q. When did you first learn what he told the grand jury after pleading guilty, after entering into his plea agreement and going before that grand jury in June of 1985? When did you first learn of what he had told them?

A. About four weeks ago when the transcript of his grand jury testimony, by virtue of the order of this court, was turned over to my attorneys who turned it over to me. Transcript of his testimony at that last grand jury appearance.

Q. And when you, did you take that grand jury transcript and read it?

A. Yes.

Q. What was your reaction?

A. Barbara read it, I read it. And my reaction was, I was just completely shocked, I was disappointed, I was angry, and very sad.

Q. You were indicted in the last two days of August of 1985, am I correct?

A. Yes.

Q. Prior to that, you had gone to the grand jury in July of 1984, right?

A. Yes.

Q. You had volunteered and gone there, correct?

A. That's correct.

Q. Bud had gone, Bud Holmes had gone a day or so later?

A. Yes, I think he was subpoenaed.

Q. Wiley Fairchild had gone same period of time?

A. Yes.

Q. Carroll Ingram had gone, all in that three day period, July 18th, 19th and 20th, all four of you were before the grand jury?

A. I think that's correct.

Q. Bud was back to the grand jury in September he was subpoenaed back, in February of 85, and again in June of 85, right?

A. Yes.

Q. Carroll Ingram went back in February of 85 and Wiley Fairchild in November of 84, right?

A. Yes.

Q. You had occasion in the course of the order of the Court, the discovery order in which these grand jury transcripts were made available to you, were each -- first of all, was anybody questioned about the telephone call or the events of that day in question, talking about the day when you go to the farm, you understand what I'm referring to?

A. Yes.

Q. Was anyone questioned about that by the government in the July 18, 19, and 20 grand jury?

A. No.

Q. Was Wiley Fairchild confronted specifically, however, with the questions about the events of that day when he went back in November of 1984?

A. Yes.

MR. WEINGARTEN: I object. I think it's inappropriate for him to review what's gone on in the grand jury.

MR. PAWER: It's not inappropriate. It's what he's seen in the record.

MR. WEINGARTEN: For him to review it from the record is inappropriate.

THE COURT: I'll sustain the objection.

BY MR. PAWER:

Q. Single question. Were you ever asked or subpoenaed to come back to the grand jury and asked under oath a single question about the events of that day and that evening?

A. No.

Q. Judge Nixon, you're charged in four counts of an indictment, count of accepting an illegal gratuity and three counts of perjury. Are you guilty of any of those four charges?

A. No.

MR. PAWER: Just indulge me a moment, Your Honor.

(Pause.)

Answer the man's questions.

CROSS-EXAMINATION

BY MR. WEINGARTEN:

Q. Good afternoon, Judge Nixon. Judge, you answered a number of questions about your financial situation and I'd like to touch upon that just briefly. What does a judge make now? What's his salary?

MR. FAWER: Excuse me a second, so we can start off on the right foot. I would object to what the Judge makes on February 6, 1986.

THE COURT: He testified about it on direct.

MR. FAWER: Today? Never. Excuse me, never, Judge, with all due respect. I asked him his salary when he began in 1968, and 1980 was the only other question, went from 42 to 54, it's a matter of public record, it's not that; I think if we're going to ask questions that are germane, if it's a matter crucial in terms of today, fine, but --

THE COURT: Overrule the objection. Proceed.

THE WITNESS: 76 thousand dollars.

BY MR. WEINGARTEN:

Q. Has it changed over the years?

A. It's changed very little, very little.

Q. Can you remember in 79 how much it was?

A. In 79.

Q. Roughly?

A. I think approximately 54 thousand dollars.

Q. So each year there have been small incremental increases?

A. I don't know about each year. I don't think it increased each year.

Q. Okay. I think you testified that basically until 1979 you neglected your personal finances, and then got very interested in personal finances about that time?

A. Yes.

Q. Is that fair?

A. Yes.

Q. You became interested in making investments?

A. Correct.

Q. And I recall a statement you made in the interview of April, 1984, you said I am, was and still am in dire need of supplemental income to supplement my judicial salary, is that right?

A. Yes.

Q. Do you recall making that statement?

A. I think I did. I read it, heard it.

Q. Was that true?

A. Yes.

Q. Did you tell Wiley Fairchild that?

A. I don't know that I told him in those terms, but I told him I was interested and wanted to supplement my income, yes, and I told him.

Q. You told other friends that?

A. Yes.

Q. Including lawyers?

A. Yes.

Q. Including —

A. Friends of mine.

Q. Excuse me?

A. Yes.

Q. Including lawyers who sometimes appear before you?

A. Yes.

Q. And was that statement true that you are or was and still am in dire need when you approached Carroll Ingram for Wiley Fairchild?

A. Which question do you want me to answer?

Q. Were you in dire need of supplemental income in 1979?

A. Yes. I was in need, yes.

Q. And the situation continued when you sought more investments from Wiley, or were interested in more investments?

A. I didn't seek any more from him.

Q. All right, but you were interested in more investments, Wiley Fairchild discussed a possible second investment with you, that situation still applied?

A. Yes, that was in October of 1984 at the party, reception given for me as chief judge, he mentioned that there might be another that may be of interest, if there was he would get in touch with me, and asked me if I was interested in it after discussing it with me, I told him that would be fine, and I never heard any more from him aoout it.

Q. I think you said October 84. You meant October 82?

A. I'm sorry, October 82, certainly.

Q. Around October 82 what was your net worth, do you have any idea?

A. No.

Q. Let me show you your financial -- let me show you a financial statement marked Government Exhibit 27, which is dated December 31st, 1982?

A. All right.

Q. Have you ever seen that before?

A. I'm sure I have.

Q. Is your signature on it?

A. Yes.

Q. Was that prepared by your CPA?

A. Yes.

Q. And was the preparation so that statement could be submitted to banks for future business for you?

A. Yes.

Q. Are your total assets listed on the first working page of that document?

A. Yes.

Q. What were your total assets on December 31, 1982?

A. $860,224, which included my home which was valued at $322,500.

Q. Okay. Are your liabilities listed there as well?

A. Yes, they are.

Q. Could you give us that figure?

A. $136,336.92.

Q. And is your net worth listed?

A. $723,887.92 was net worth.

Q. And that was during the period of time when you say you were in dire need of supplemental income?

A. This was as of December 31, 1982.

Q. Didn't you say in your statement you were, was and still am in dire need of supplemental income to supplement your salary?

A. What statement was that?

Q. April 1984?

A. If I did it, that's what I said.

Q. Generally speaking, when you made, when you advised your friends that you were interested in supplementing your income, what response did you receive?

A. Well, it varied, of course.

Q. And did you receive favorable responses from lawyers?

A. Specifically who are you talking about?

Q. Just asking generally at this point.

A. When.

Q. At any point?

A. Well, I guess you might say Carroll Ingram. I don't know any other lawyers that I received favorable responses from that

I can think of, if you'll ask me specifically I'll be happy to answer you if I'm mistaken.

Q. All right I'm jurt asking generally now. We'll get the to specifics. Who did you approach? Do you recall?

A. I don't recall everyone, of course. I talked to friend of mine who was a banker in Biloxi. I talked to a friend of mine who was a banker in Natchez. I talked to a long time personal friend of mine who was in the seafood packing business in Biloxi. Perhaps 2 of them. And I, of course -- go ahead.

Q. And Ingram?

A. Yes.

Q. Any other lawyers?

A. It's possible. If you'll name them.

Q. Gene Wilkinson do you remember talking to him about that situation?

A. Yes.

Q. And did you wind up negotiating with a client of Gene Wilkinson about a possible business deal?

A. A client of Gene Wilkinson's?

Q. Yes.

A. I don't recall offhand. If you'll ask me specifically who I'll --

MR. FAWER: Excuse me. May we approach the bench?

(At the bench).

MR. FAWER: No, I want do this outside of the jury, Judge. You have a ruling -- there is a ruling ot the court on the admissibility of this. Judge Nixon's not sitting there able to say to him you're not supposed to question me. He elicitea the name Gene Wilkinson. I want to go outside the presence of the jury and deal with the scope of this cross because he obviously doesn't know where it begins and supposed to end. You made a ruling on this. It's inadmissible. This was the specific point. He's now saying he's not going into it. He just said that to me.

MR. WEINGARTEN: I want to get the general parameters of him talking to lawyers.

MR. FAWER: You askea the name.

MR. WEINGARTEN: I wanted to trigger a recollection that the conversation.

MR. FAWER: He's talking loua enough for that jury to hear it.

MR. WEINGARTEN: Your Honor, I'm telling you that was it. I was not going any further.

MR. FAWER: Is ask the name.

MR. WEINGARTEN: Why?

MR. FAWER: I object. Ask for a sanction from Your Honor for using it.

THE COURT: What's wrong if he doesn't get into specific --

MR. FAWER: Why is he using the name?

MR. WEINGARTEN: At this point it's nonprejudicial.

MR. FAWER: Why is he using the name? You tell me.

THE COURT: I don't have any idea.

MR. FAWER: I want to make a record of it. I don't want to do it we'll embarrass my client and the jury. I ask that we go back to chambers and deal with this.

THE COURT: Okay. I'll get the jury out.

MR. FAWER: Because the 404-B I don't want to do it in open court. The public doesn't know about the 404-B. That's a sealed record of this court.

THE COURT: When do you want to do it? At a recess?

MR. FAWER: No, I don't think we ought to do it at a recess. I want him told that he is not to go in without advance notice to you and me any name that has already been denied him permission if he's going to do it.

THE COURT: I'm not going to tell him that.

MR. WEINGARTEN: You don't have to tell me that.

THE COURT: We're not going to get into the specific instances.

MR. WEINGARTEN: That's fine.

(Open court).

MR. WEINGARTEN:

Q. Judge, is it fair to say that you're known to be a very forceful man? That's a fair statement?

A. By whom?

Q. By everyone who knows you or lawyers who appear before you.

A. What do you mean by forceful?

Q. Well, I mean you have a forceful personality. You take control of the situation. I'm not asking you to be modest here. Is that a fair statement?

A. I'm not trying to be modest. I don't know in what respect you're talking about. If you'd be more specific. I'm known to be a very reasonable person. I'm known to be I guess a pretty forceful -- you might say I run a tight ship in the courtroom.

Q. Are you known by lawyers to be an intimidating judge would you say?

A. By what lawyers?

Q. Have you heard is that scuttlebutt around Biloxi or in Mississippi?

A. No, I've never heard scuttlebutt around Biloxi that I've been intimidating. If I heard it would not be true. I am not intimidating.

Q. Now let's talk about --

A. Would you want to tell me who's made such a charge or allegation so I could maybe explain it to you?

Q. I'm not suggesting it's a charge or allegation. Perhaps judges should be intimidating perhaps judges should be forceful.

A. I don't think so. I think they can be reasonable and take care of business of the court and still be courteous to the lawyers and I have tried to be and I don't think you would find that to be the case, Mr. Weingarten, no.

Q. Let's talk about the initial situation or the origination of the oil deal. It is fair to say a colleague of yours had a close relationship with an individual in Mississippi who owns a great number of oil interests?

A. A what of mine?

Q. A colleague?

A. Who are you talking about?

Q. Judge Russell?

A. Judge Russell?

Q. Yes.

A. Would you please repeat the question now that I know who you're talking about because I couldn't understand the question in context.

Q. Is it fair to say that Judge Russell a colleague of yours had a substantial business relationship with a man named Biglane?

A. That's what I understand.

Q. And do you have personal knowledge of that from either Mr. Biglane or Judge Russell?

A. Yes.

Q. And is the financial relationship comprised in the main of oil and gas interests?

A. I don't know whether it's in the main. I know that they're in real estate investments together. I know Judge Russell has put Mr. Biglane in real estate investments from what I understand which were very profitable and Mr. Biglane has put Judge Russell in oil and gas transactions.

Q. Have they been profitable?

A. I understand they have.

Q. Were you interested in establishing --

A. I don't know for a fact but I understand they have.

Q. Did you understand that from Judge Russell?

A. Yes.

Q. Were interested in establishing a relationship with someone similar to Judge Russell's relationship with Mr. Biglane?

A. Well, I certainly would like to have.

Q. And do you know is Judge Russell and Mr. Biglane long time friends?

A. They've been friends for quite a few years and I've been a good friend of Mr. Biglane for quite a few years also and of Judge Russell.

Q. Do you have a financial relationship with Mr. Biglane?

A. No.

Q. Did you seek investments from Mr. Biglane?

A. Not to my recollection. It's possible that I did. It's possible I might have talked to him once or twice.

Q. Well, were any investments forthcoming?

A. No.

Q. Why not?

A. Have to ask Mr. Biglane that.

Q. So you made the request and none were forthcoming?

A. Yes.

Q. And is it fair --

A. I say yes. Perhaps. I don't recall specifically but I think maybe I talked to Mr. Biglane on maybe one occasion. I really don't know to be honest with you. I know I would like to have.

Q. Did you ask Judge Russell to speak to him on your behalf?

A. Not that I recall.

Q. So is the fair to say that you wouldn't mind -- have you ever articulated the fact that you would like a relationship with someone the way Judge Russell has a relationship with Mr. Biglane?

A. I might have.

Q. Now Carroll Ingram you testified about is a friend?

A. Yes.

Q. A man of integrity?

A. Yes.

Q. Who mentioned Wiley Fairchild first in your relationship with Carroll Ingram? Was it you or was it Carroll Ingram?

A. My recollection is that Carroll did. I heard him testify that his recollection was that I did.

Q. And, of course --

MR. FAWER: Excuse me. Thank you.

MR. WEINGARTEN:

Q. Continue. I'm sorry I cut you off.

A. That's my recollection.

Q. Now when you heard Carroll Ingram testify otherwise, did that trigger any better recollection on your part?

A. No.

Q. Did you review Carroll Ingram's grand jury?

A. It didn't change my recollection.

Q. Did you review Carroll Ingram's recollection in preparation for trial?

A. Yes, I read it.

Q. And you read that in the grand jury Carroll Ingram again said that it was you who first raised Wiley Fairchild to him and not vise versa?

A. Yes.

Q. And did that grand jury transcript trigger a better recollection on your part?

A. My recollection is just as I've stated it and if it were otherwise I'd tell you. It certainly wouldn't be anything wrong with my having mentioned it first but as I recall I did not. That's my honest recollection.

Q. So you and Carroll are at loggerheads on that point?

A. I wouldn't think --

MR. FAWER: Excuse me. May we have a direction that if he wants to sum up, that's for the jury at the end. Concluding whether there is someone at loggerheads I propose is not a question and I object to it.

MR. WEINGARTEN: Mr. Fawer summed up last 30 minutes his questioning of Judge Nixon.

MR. FAWER: All you have to do is rise if you have an objection. That's part of being a lawyer.

MR. WEINGARTEN: Thank you Mr. Fawer.

MR. FAWER: I want --

MR. WEINGARTEN: Thank you, Professor Fawer. I appreciate the assistance you provide.

MR. FAWER: Are you finished?

MR. WEINGARTEN: I may be and may not be.

MR. FAWER: Fine sir. Excuse me. Judge I had made an objection. It was what I view as a well founded objection.

THE COURT: Objection is overruled.

MR. FAWER: Thank you. Can I understand that an objection is something imposed made by rising; am I correct in addressing the court?

THE COURT: That's right.

MR. FAWER: And this is true for both sides they equally have the power to do it.

THE COURT: Right.

MR. FAWER: And that would mean for the prosecuting attorney as well, right, and his failure to do so means I go ahead and ask questions otherwise.

THE COURT: Right.

MR. FAWER: Thank you, judge.

MR. WEINGARTEN:

Q. Is it your testimony Carroll Ingram mentioned Wiley Fairchild first but then you specifically made a request that Carroll -- see if you could be placed in a deal with Wiley Fairchild?

A. That's right, yes.

Q. Do it ever occur to you that Carroll might be uncomfortable that the federal judge is making a specific request that a lawyer who appears before him put him in a deal with the lawyer's client?

A. No, it didn't because Carroll and I are long time friends. Carroll and his wife and my wife and I socialize together. Whenever I come to Hattiesburg, Carroll would usually come over and visit. We had lunch together, we have dinner together. Carroll was more than a lawyer. We had more than just a lawyer-judge relationship. We've been long time friends and I will never try to put anyone on the spot. All Carroll had to do if he felt uncomfortable was to indicate that to me and that would have been the end of it believe me.

Q. Then were you shocked when you read --

A. I would have done the same for Carroll if he had asked me.

Q. If Carroll in fact was on the spot or felt on the spot you just didn't know it?

A. That's right.

Q. And when that information came to you, I guess you were surprised to see it?

A. I was.

Q. Did you learn before any deal was consummated that Wiley had business deals with other public officials?

A. I don't know whether it was before it was consummated. It depends on when that was because Carroll and I had -- Carroll had passed on Mr. Wiley Fairchild's proposal that is his agreement with me and I had agreed to it in late 79 or early 80. It was right after that in the early 80's I met Mr. Fairchild.

Q. When did you first learn that Wiley had business deals with our public officials?

A. At that time he mentioned it to me.

Q. He volunteered the information?

A. Yes.

Q. Who did he name as public officials?

A. I remember him naming Governor Waller. I remember him naming Mayor Chain of Hattiesburg.

Q. Do you know Governor Waller?

A. I know him.

Q. Do you know him personally?

A. Well, he's been a lawyer practicing in my court and I know him as a former governor and he's back again practicing law again.

Q. Have you ever discussed Wiley Fairchild with him?

A. No.

Q. How about Mayor Chain?

A. What about him?

Q. Is he a friend of yours?

A. I don't know him real well. I know him. I know him to say hello to and exchange pleasantries with.

Q. Is it your testimony that you never knew anything about Wiley's propensities to get into deals? Did Bud Holmes mention Wiley Fairchild to you?

A. Yes.

Q. Did Bud Holmes ever talk to you about that?

A. I talked to Bud shortly before as I told Mr. Fawer on direct examination sometime in 1979 and Bud didn't mention anything about public any specific public officials or that anyone was in business with him. He just mentioned that Wiley Fairchild was a contributor to various political candidates and was a heavy contributor to charity.

Q. Did you hear Bud Holmes testify about that subject at this trial?

A. Yes.

Q. And was his testimony accurate on that?

A. No.

Q. So you're saying he was making it up when he told you that he puts public officials in good deals as a matter of course?

A. I'm saying it was not true.

Q. Did Carroll ever mention anything like that?

A. No.

Q. So your testimony is you had no notion prior to first discussing Wiley Fairchild with Carroll Ingram that Wiley had a reputation for putting public officials in good deals?

A. I didn't know of such a reputation if he had one.

Q. And it's your testimony you didn't know before Carroll mentioned Wiley Fairchild that Wiley Fairchild was in the oil and gas business?

A. That's correct.

Q. And Carroll's recollection on that is just inconsistent with yours?

A. As I said previously, Carroll has a different recollection than I do and I respect his recollection and I think it's just an honest difference in recollection but that is my recollection. If it wasn't, I'd be happy to tell you because certainly there's nothing wrong with that.

Q. Did Bud Holmes tell you you could never lose money with Wiley Fairchild?

A. Never lose money with him? No.

Q. Did Bud Holmes ever tell you if Wiley Fairchild gave you a well and the well went dry that Wiley would pore oil down that well?

A. No, he did not.

Q. Ever heard anything like that from Bud?

A. If I knew I couldn't lose money with someone surely make money, I'd want to invest more than $10,000.

MR. FAWER: Excuse me. Your Honor I don't object to the line of questioning except and I waited to hear the answer, it seems to me if you're going to put a statement to a witness by another witness who's already testified, it at least ought to be something that this attorney has asked of that other witness in this courtroom because I represent I think Mr. Weingarten --

MR. WEINGARTEN: There's no such rule of that evidence.

MR. FAWER: There is so. But I suggest Your Honor is that if you're going to ask a question of a witness about another witness's statement and you have not adduced he is in effect representing when he asked the question as if it were so causing this witness to respond in the negative. He had a full right to ask that question and adduce it from Bud Holmes. He did not do so. It is fair for the jury to infer and for the court to rule no such statement was made absent his having asked it to Bud Holmes. It was a perfect subject if he thought it was relevant. He didn't ask it and those this just facetious suggestion to the witness so the witness has to deny it and I object to that form of examination.

THE COURT: Sustain the objection.

MR. FAWER: Thank you. May I jury be directed to --

THE COURT: I think he should go to the transcript and ask the question.

MR. FAWER: He will admit it's not in the transcript will you not Mr. Weingarten.

MR. WEINGARTEN: May I move on? You sustained the objection. I'll move on.

THE COURT: Yes.

MR. WEINGARTEN: Thank you.

MR. WEINGARTEN:

Q. When were these deeds first identified, sir, the deeds or the mineral royalty interests that you received from Wiley Fairchild, when were they first identified?

A. When were they first identified?

Q. Or you do you recall?

A. I don't understand what your question is. Identified as what and identified by whom or exactly what do you mean? I'm not trying to act hard to question, but what do you mean by identify?

Q. Just so we're clear on our dates, you made a request of Carroll to see if he could put you in a deal with Wiley Fairchild?

A. That's correct.

Q. And Wiley Fairchild apparently responded favorably?

A. Yes.

Q. And that information is communicated to you by whom?

A. Carroll.

Q. And when is that?

A. It was in 1979.

Q. And your certain of that?

A. Yes.

Q. Do you have any notations or any records that would so indicate?

A. No.

Q. So you're saying it was the information wes in imparted to you well over a year before you got the mineral leases?

A. No, not over a year. Less than a year. But several months before.

Q. Well, if you got them in March or April of 81?

A. You mean the written leases?

Q. Yes.

A. Yes.

MR. FAWER: Excuse me.

THE WITNESS: They're not leases, though.

MR. FAWER: Could the interrogator be asked to please be a little more specific with his dating or his questions, because what's happening to the witness, and it's happening to me, too, I don't know if he's talking about the February 81 period or the events of the oil agreement in February 80. I'm not trying to give the witness any lead or anything but it's confusing to me and I don't want to be jumping up each time and asking for clarification. So if there's way of sort of --

THE COURT: If the witness doesn't understand the question --

MR. FAWER: That's what's happening. That's why I just raised the issue.

THE WITNESS: That's is the question I had, Mr. Weingarten, when I asked you to clarify it.

Q. That's fine. That's exactly what we'll do.

A. All right.

Q. Before we get into the specific dates, let me ask a general question or two, okay? Who were you relying on in this transaction, Carroll Ingram or Wiley Fairchild?

A. For what?

Q. For a prosperous investment?

A. I was relying on Carroll Ingram's representation of what kind of person Mr. Fairchild was, and what his, among others what his record was in the oil and gas industry, track record so to speak, whether he was successful or not.

Q. You were looking to purchase property that was owned by Wiley Fairchild?

A. Purchase royalty interests.

Q. Why would it be in Wiley Fairchild's interest to put you in a deal?

A. You would have to ask Wiley Fairchild that.

Q. What was your sense? Why did you go to Wiley Fairchild?

A. I didn't go to him, Carroll Ingram did.

Q. Well, you singled him out, made a request for Carroll Ingram?

A. Yes.

Q. Why would it be in Wiley Fairchild's interest to put you in a favorable deal?

A. You'd have to ask Mr. Fairchild that.

Q. Did you ever consider that question?

A. What do you mean, did I ever consider it?

Q. Did you ever consider it when you sought an investment with him?

A. He was Carroll Ingram's client. I think he -- I don't think he would have done it if it hadn't been for Carroll Ingram; I don't know.

Q. Was he currying favor with Carroll Ingram?

A. I don't know.

Q. If he sold you --

A. I think they were kin, I didn't know that at the time.

Q. If you received a prosperous investment from Wiley Fairchild, you would be receiving money that otherwise would go to Wiley Fairchild, is that a fair statement?

A. Yes, if it produced.

Q. If his interests that he transferred to you in the Wilkie well were retained by Wiley Fairchild and the other two wells, that's 60 thousand thousand dollars which would have been in Wiley Fairchild's pocket and not yours, right?

A. Yes.

Q. What was in it for Wiley Fairchild to put you in a good deal?

A. I don't know what was in it for Wiley Fairchild. You would have to ask him.

Q. When you approached him, what's did you think -- did you know the man?

A. No, I knew Carroll Ingram quite well. Carroll had mentioned the name, and I knew Judge Russell was, had made I believe investments with with Mr. Biglane, as I understood it, were profitable.

Q. Well, the fact that Judge Russell made profits with Mr. Biglane has what to do with you making profits with Wiley Fairchild?

A. I think when you purchase anything from anybody, if they would -- may have made money on that particular transaction, instead of you, they would have been -- it would have been more profitable to them if they hadn't sold.

Q. It was in Wiley Fairchild's interest not to sell you profitable mineral interests, isn't that true?

A. I think that would be the same if you purchased mineral interests from Exxon or purchased anything from anybody.

Q. Well, Exxon is impersonal. Wiley Fairchild is a human being, is that not true?

A. Yes, what's -- yes.

Q. You were going to a perfect stranger, person you had never met, and you were expecting him to put you in a good deal wherein he would lose money?

A. I wasn't expecting him to put me in anything. Carroll and I had talked and I asked Carroll if he would talk to him and see if it was a possible for me to investment. I didn't know whether Carroll was -- whether I was going to purchase anything from Mr. Fairchild at that time, or whether he was going to put me in something that he was investing in. I understand he dealt in buying and selling mineral interests.

Q. When did you learn otherwise?

A. Well, I still don't know exactly what the extent of his business is in oil and gas.

Q. When did you learn that what Wiley Fairchild was doing was giving you property that he owned?

A. I don't think he gave me anything.

Q. Transferred?

MR. FAWER: Excuse me. Selling.

MR. WEINGARTEN: Transferred.

MR. FAWER: Selling.

MR. WEINGARTEN: I can use any words I want to.

MR. FAWER: Only if it's accurate. I would object, he started out by saying giving. Realizing that wasn't going to slide by he went on to the other one. The word is sell.

BY MR. WEINGARTEN:

Q. When did you realize that Wiley Fairchild was transferring interests to you that were previously his own?

A. I realized that he sold me royalty interests when I was informed that he was going to do that by Carroll Ingram.

Q. And then did you consider why would this man who I had never met be interested in giving me favorable investments?

MR. FAWER: I object.

THE WITNESS: He didn't give me anything.

BY MR. WEINGARTEN:

Q. Give in the broadest sense.

MR. FAWER: There ain't no broad sense in this courtroom.

MR. WEINGARTEN: I can ask questions like I see fit.

MR. FAWER: You can't ask a misleading, insidious question. There is no charge of his having been given, but that he bought it. Their own claim is that it was underpriced, so if he's inconsistent with his own theory -- so we don't, end up here two days late, all I ask is he be directed to ask fair questions instead, so we don't have him saying giving and the witness saying selling.

THE COURT: I'll sustain the objection.

MR. FAWER: Thank you.

BY MR. WEINGARTEN:

Q. Did you ever question that question, Judge?

A. What question?

Q. The question as to why it would be in Wiley Fairchild's interest to put you in a favorable deal?

A. I paid Mr. Wiley Fairchild, the Fairchild Company from whom I purchased the royalty interests, the price that was put on the interests by them, by the seller. I had no idea what the value of an oil and gas interest was, and I still don't know how to evaluate it.

Q. That's not an unreasonable --

MR. FAWER: Excuse me.

THE WITNESS: I paid the price that was asked came to over eleven thousand dollars, and to me, Mr. Weingarten, that's not exactly a gift in any way, shape or form.

BY MR. WEINGARTEN:

Q. You never had a clue as to the value of this property, did you?

A. The only -- I had the seller's asking price.

Q. You had no independent --

A. That's as good a clue I think as you can get in any transaction where you purchase something, if you pay something that someone, the price that a seller puts on it, I don't know how else, and not try to buy it for less, I don't know what's wrong with that.

Q. You had no independent judgment as to what the value of this property was?

A. I thought Mr. Fairchild would have the best idea of what the value of the property was worth since he was in the business.

Q. If Mr. Fairchild had said one thousand, five thousand, fifty thousand, a hundred thousand dollars, ten hundred thousand dollars?

A. No. It wouldn't have been -- I couldn't have borrowed anything like that. I borrowed exactly what I thought the maximum was that I wanted to borrow and wanted to risk in the purchase of these royalties, what I had already told Carroll Ingram about, the amount that I had stated to him.

Q. You were depending entirely on the wisdom of this perfect stranger, Wiley Fairchild?

A. I was depending on what? Wisdom?

Q. Wisdom, fairness, judgment, his assessment?

A. With respect to what?

Q. The value of this property you were purchasing?

A. Is depending on the seller setting the purchase price, as I think is done in most transactions, if not all --

Q. When you go out and buy a car, the purchase price is ten thousand, you look at the car, drive around, bring a mechanic in, you try to come to some independent judgment as to what it's worth, is that correct?

A. That's a little bit different, quite a bit different.

MR. FAWER: I would object. That's argumentative and it is so different and disparate, even he should know it, from this situation. To suggest that buying an oil and gas lease is going out and buying a Chevrolet, I would suggest that we just, we're going to go off down the road, the end of which is some place in Oz.

MR. WEINGARTEN: I request permission to proceed along those lines, Your Honor.

THE COURT: Objection is overruled. Proceed.

BY MR. WEINGARTEN:

Q. Is it not fair to say, Judge, when you make a purchase in the open market you usually try to come to some conclusion as to the value of the property that you're buying?

A. If you -- if the value is established and well known, it certainly wasn't to me, it may be to you, you may have expertise in that field but I don't and didn't. I relied on the integrity and honesty of Carroll Ingram and that of Mr. Fairchild, who had a real good reputation as far as I could ascertain.

Q. Do you think anybody could go to Wiley Fairchild and say put me in a good deal and they would get a good deal?

A. Do I think so? I don't know. I don't think so, no.

Q. What was special about you?

A. I think Carroll Ingram asking him, since they were so close, close friends. I don't know, I would suggest you ask Mr. Fairchild. He's the the one who could give you the best answer. I haven't heard him say here that there was any insidious motive on his part. In fact quite the contrary, he said he set the purchase price.

Q. Do you think he did it because Carroll Ingram was the intermediary?

A. I hate to express an opinion. I don't know.

Q. Carroll Ingram is the man he said was blackmailing him to you?

A. Later. Yes. That's one of the things that shocked me so much.

Q. Now, let's get back to the dates. I'll be as precise with my questions as I possibly can. First time Wiley Fairchild was mentioned, what's your best sense?

A. About when?

Q. Between you and Carroll Ingram, first time Wiley Fairchild --

A. I'd say about the spring of 1979.

Q. When does Carroll Ingram come back with a response that Wiley Fairchild is interested in?

A. I'd say a about the summer of 1979.

Q. When do you recall the mineral royalty interests being identified?

A. Yes.

Q. When?

A. When?

Q. Yes.

A. When, the late part of 79.

Q. Do you --

A. Latter part, late fall I'd say or early 80.

Q. Did you note it down in any way?

A. No.

Q. Did you write down, did you identify the wells in any way?

A. No, I didn't.

Q. Did you note it on a calendar?

A. Note what on a calendar?

Q. The date of this event.

A. No. I don't keep a diary if that's what you mean. I don't think I have time to keep diaries with the schedule we have. I would be taking all my time in writing a diary.

Q. Is it fair to say that a figure was set by somebody at that point, a price, by — who set the price, Fairchild?

A. As far as I know he did, that's what he said.

Q. That was communicated to you late 79?

A. Yes.

Q. So by late 79 you have --

A. I had already told Carroll that I was interested in investing about ten thousand dollars.

Q. Late 79 you have identified for you the three mineral interests and a price?

A. Yes, a total price.

Q. And you perceive a deal has been struck? Your belief is there is a deal?

A. I told Carroll that, yes.

Q. And 19 months pass, or how long? How long a period of time passes before the deal becomes legal?

A. You mean in writing?

Q. Isn't that when it becomes legal?

MR. FAWER: Excuse me, legal or enforceable? Legal as opposed to illegal?

BY MR. WEINGARTEN:

Q. When did the mineral royalty deeds physically get to you?
A. Around the first part of March of 1981, I've told you that --
Q. So 18 months passed?
A. You can compute it.
Q. Is that true?
A. Is what true?
Q. That eighteen months passed between the time you believe you have an oral deal and the time you get the deeds.
A. From late 79 to early 81.
Q. And what did you do in that 18 month period?
A. What do you mean, what did I do? About what?
Q. Did you just sit passively and wait for Wiley Fairchild?
A. Already testified on direct examination, I talked to Carroll, we had conversations about that in the interim.
Q. Did you ever say hey, I got a deal, I'm willing to pay ten or ninety-five hundred dollars, Wiley Fairchild promised me these mineral royalties, let's have some results?
A. I didn't say that.
Q. Why not?
A. I don't talk like you do. In other words, I'm not making fun of your talk, what I mean is I don't say those type words. I mean, those were not my words, if that's what you mean.
Q. You considered yourself to have a deal?
A. Yes.
Q. An arms length transaction?

A. Yes.

Q. Why didn't you seek to get the paper?

A. I did.

Q. Did you seek to get the paper from Wiley Fairchild?

A. No, I talked to Carroll.

Q. Did you even say, Fairchild, we have a deal, come on, let's go?

A. I wasn't going to try to go around Carroll over his head, and if it came it did, I would be happy about it, if it didn't, that was going to be the end of it. If it was decided it was not going to be consumated by Mr. Fairchild.

Q. So you just don't push it?

A. I talked to Carroll. I told -- as you heard me tell Mr. Fawer on direct examination, I had several conversations with, and inquiring of Carroll when we were going to consumate the deal.

Q. But not with Mr. Fairchild?

A. That's correct.

Q. Was that because you didn't want to antagonize Mr. Fairchild?

A. Carroll told me -- no, I wasn't going to call Mr. Fairchild, I don't think you would have expected me to, for several reasons. One is Carroll said you don't push Mr. Fairchild. I wasn't going to call him, look, you told Carroll such and such, let's get on with the deal, certainly not.

Q. Was this a business deal or a favor for you?

A. What?

Q. The deal with Fairchild?

A. As far as I'm concerned it was and is a business deal.

Q. It was a business deal you were willing to wait 18 months for, even though you considered yourself to already have a deal?

A. You mean to consumate?

Q. Yes?

A. Yes. I did.

Q. The truth of the matter was, you wanted a piece of Wiley Fairchild's oil and gas empire and you were willing to wait?

A. That's, those are your words, not mine.

Q. That's the truth, isn't it?

A. I wanted a piece of his empire? No. I was willing to purchase oil and gas interests from him and I did at a price that he set and I thought and still think to be fair, and it was a risk.

Q. You would have waited six months, twelve months, eighteen months, twenty-four months, however long it took?

A. Well, I don't know whether I would have been in a position to borrow money way down the line, because there is just so much you can borrow. I did borrow quite a bit. I borrowed to go into those other ventures, oil and gas ventures. I was going to borrow in this one. Mr. Fairchild decided he would carry the paper and charge me interest and I paid every penny he charged me, with interest.

Q. Could I have the Defense Exhibit 41, please? 40 and 41. I hand you what has previously been marked Defense Exhibit 40, it's your Ethics in Government Act statement I believe for 82?

A. All right.

Q. Is there mention made in that exhibit of the Fairchild mineral interests?

MR. FAWER: Excuse me, I wasn't listening. What year is this.

MR. WEINGARTEN: 82.

THE WITNESS: It's the 1982 report for the calendar -- filed in 1982 for the calendar year 1981.

BY MR. WEINGARTEN:

Q. Right.

A. And the answer to your question is yes, W. R. Fairchild Construction Company, Limited, is listed as the seller of the assets that I purchased.

Q. Is it dated?

A. Yes.

Q. What's the date next to it?

A. 2-25-81.

Q. How did you get that date?

A. My CPA filled out the form, and I would say he approximated the date by -- based upon the date that was in the instrument, because the instrument said 2-25-80, and of course it was not, transaction that was concluded in 80, we never claimed it to be a 1980 transaction to anyone, including on the financial statement. We were not trying to engage in what you contend was subterfuge, saying it was done in 1980, because we declared it as a 1981 transaction for the first time in this report filed in 1982. If you'll look at the financial disclosure statement for the calendar year 1980, filed in the first part of 1981, this transaction is not listed on there because we did not claim it to be a 1980 transaction, that is, because it was not legally binding, was not reduced to writing. It could have easily been some if someone was trying to claim it to be an 80 transaction.

Q. I believe my question is, how did your accountant get 2-25-81?

A. He's deceased, Mr. Weingarten. And I can't ask him, unfortunately. He died of a heart attack. I would love to be able to ask him and I would have him here testifying if he were alive, to be perfectly truthful with you.

Q. You heard and saw exhibits that Fairchild original deeds were dated 2-25-81?

A. I heard that.

Q. Did you have those original deeds?

A. Did I have them.

Q. Yes?

A. No.

Q. How else could Mr. Logan have gotten the date 2-25-81?

A. You would have to ask Mr. Logan. I told you he probably approximated that.

Q. When you sign --

A. Do you have any evidence of any kind that I had those? If you do, I wish you would show it to me.

Q. Judge, I'd —

A. Because I did not. Your question to me is, answer is no, I did not.

Q. So is it a pure coincidence, Judge?

A. Excuse me, your own witnesses testified that I never saw those instruments. Carroll Ingram testified —

Q. Judge --

A. And Wiley Fairchild.

Q. Did you sign the documents?

A. What documents?

Q. The financial disclosure statements?

A. Certainly I did.

Q. You signed a document says Fairchild leases, 2-25-81?

A. Yes.

Q. Did you wonder, what's this? What's 2-25-81?

A. No.

Q. Is it just a coincidence then Mr. Logan pulled out the same number that appeared on the original deeds?

A. No. My opinion is, if that's what you're asking for, that's all I can give you, my question, my guess is that since he knew this was not a 1980 transaction because it was not in the form we furnished him for making the report for 1980, and he saw it was dated 19 -- the date on it was 1980 when he did see the written instruments when they came back from recordation, my guess is he assumed that this was the 81 transaction so he picked up the same date but dated it 1981 instead of 1980. That's my guess, I don't know that.

Q. So his guess, your guess is that Mr. Logan just happened upon the date of the original mineral deeds?

A. My guess is exactly what I just told you. I wish he were here so we could ask him.

Q. What is the point of the backdating?

A. Specifically what are you talking about? In this case or what's --

Q. Yes.

A. Just as your witnesses have testified, without, without variance, Mr. Wiley Fairchild testified --

Q. Judge --

MR. FAWER: Excuse me. Let's let him answer. Let him finish his answer. I ask for the Court to tell counsel to let a witness finish, even if he doesn't like the answer.

THE COURT: He may explain any answer he wants to.

THE WITNESS: Thank you, Your Honor. Carroll Ingram testified, I think even your witness Skip Jarvis testified that the point of it was, they said it was quite common in the oil and gas industry especially, and it's done every day outside the oil and gas business, to date an instrument to conform with the actual date on which the agreement had been previously reached.

BY MR. WEINGARTEN:

Q. What was the legal effect of doing that?

A. Specifically in what regard?

Q. Is there any legal effect in doing that?

A. Well, in this particular case, I don't know about a legal effect, but there was a practical effect because that set the value. You're talking about the value of the mineral interests at various times and I think that the value should be looked at and computed from the time that the original agreement was entered into because what I've heard so many things can happen in the interim with respect to oil and gas wells.

Q. All right. You'll agree, will you not, as you stated in the grand jury so clearly that the deal was only legally enforceable when Wiley produced the documents?

A. Legally enforceable. That's my understanding.

Q. And you'll agree, will you not, that you were to get paid from the origination of production?

A. Yes.

Q. So that could have been before 1980, after 1980. The money to you pursuant to those deeds was not affected one wit by the backdated?

A. That's my understanding, but the value certainly would be.

Q. And the point to the value is I wanted the deeds to appear to be what?

A. I don't know what -- is that a question?

Q. What was your concern about the value?

A. I didn't have a concern at the time. That was Mr. Ingram and Mr. Fairchild's concern apparently.

Q. Well, is it fair to say that Mr. Ingram's concern was that he was fearful that the wells were going to be very, very valuable when the deal was enforceable, it might look like a sweetheart deal?

A. I don't have any idea what he was thinking. You'd have to get in his head and look. I'm not trying to be cute. You'd have to ask Mr. Ingram. I think you did. That was not his testimony at all.

Q. Was that your sense when you signed the documents a year before, a year after they were dated?

A. I'm sorry. I didn't hear the first part of your question. I have a little hearing problem. I'm sorry.

Q. How much have you received at this moment from those deals?

A. Up till now how much?

Q. Income?

A. Income I think approximately 60,000, 50 to $60,000. Somewhere in that neighborhood. I have not computed it. If you have a different figure that you want to give me, I would accept it if you'll tell me it's correct.

Q. August of 85 it was 62 plus. Has more come in since?

A. 62,000, well, I think the last check we got was there was one the last one was I think either two or $300 instead of the previous amounts and the one before that I think was a hundred and some odd.

Q. Was that Wilkie?

A. That's Wilkie and Rogers combined.

Q. Is there a unitization dispute with the Wilkie well?

A. I have heard that there is.

Q. Is Mr. Fairchild disputing or contesting the unitization decisions?

A. I think that's what he said here on the stand if I remember correctly.

Q. If he wins, if he's successful in this pursuant, you stand to profit a great deal; do you not?

A. He said he stood to profit I don't know how much.

Q. Let's talk briefly about the notes. Did you tell Mr. Ingram that you needed some time to prepare or to get your money up or some such words?

A. Yes, I had as I told Mr. Fawer on direct examination I needed some advance notice to finance the transaction if it was going to -- before it came down in writing.

Q. How much advance notice did you need?

A. I didn't specify any particular time.

Q. Well, what were you saying to him, what did you want?

A. I didn't say to him. I didn't give him a time. I just wanted reasonable notice.

Q. For what reason?

A. So I could arrange my financing, borrow the money in other words.

Q. Well, that wouldn't have taken a long time, would it?

A. Well, I would have hoped not.

Q. Well, at that time you had a relationship with the Mississippi Bank; did you not?

A. I had a relationship with several banks. I borrow from several banks. I owed several banks and I still do.

Q. Well, you had such a --

A. And I pay my notes and pay all my indebtedness.

Q. You had such a relationship where you could have applied for a loan and receive the profits or the proceeds from the loan in the same day, did you not, with the Mississippi Bank?

A. I don't know about the same day but I had pretty good working relationship with several banks. I had Peoples Bank in Biloxi and the First Mississippi Bational Bank and I believe the Natchez Bank and the Mississippi Bank, yes. And I probably could have gone to one or two more banks that I didn't do business with because I had a reputation of paying back the money I borrowed and --

Q. Well, you really didn't need time to get the money up, did you?

A. Yes I did.

Q. If you had a relationship with the Mississippi Bank -- let me withdraw that. Did you not make 6 loans in a period of time from April 80 to December 82 from the Mississippi Bank where you simply picked up the phone, made an oral application and received approval the same day?

A. I don't recall how many. If you say so, but if you represent that, I don't want dispute it but I'll say this to you. I don't owe the Mississippi Bank any money.

Q. I'm not suggesting you do.

A. Let me finish. I repaid every loan with interest that I made from them and I haven't owed money for a few years.

Q. I'm not suggesting you did. I'm simply --

A. I don't know what your point is.

Q. Did you really tell Carroll Ingram that you needed some time to get up the money?

A. You heard Carroll Ingram testify to that effect and I'm telling you that also.

Q. You did put your name to a false date on those notes, didn't you?

A. Did what?

Q. Put your name to a false date on those three notes?

A. No.

Q. You didn't sign those documents when it is so indicated on those notes?

A. I signed those documents the best of my recollection as I've told the jury the first part of March of 1981 and they bore the date that was on them when they came to me and they reflected the date of the agreement, that oral agreement that had been made.

Q. Well, wouldn't it have been an easy thing to do to take your pen and scratch out February 25th, 1980. I'm saying this document April 1st 1981 and also indicate on the document that it reflects a deal that was cut before?

A. Well, what would have been the -- what was being hurt? What was the harm in my signing the documents?

Q. Were you not putting your name to a false date?

A. I told -- you've heard the testimony that that's quite commonly done not for the purpose of falsifying anything or deceiving anyone or causing any harm to anyone. That's the custom particularly in the oil and gas industry to let the instrument or the date of the instrument conform to the date of the transaction.

Q. And that note were those notes the fact that you signed --

A. And also my financial disclosure statements completely refute what you're saying that there was some ulterior motive because I didn't claim the transaction to be a 1980 transaction. I claimed it to be a 1981 transaction which is the date that it was actually signed 1981 the notes were signed.

Q. They were signed in 81?

A. Yes.

Q. You're saying the notes were signed in 81?

A. Yes.

MR. PAWER: Of course they were, Mr. Weingarten.

MR. WEINGARTEN:

Q. Which notes?

A. The 3 notes in question. And the instruments.

Q. And indicating 80?

A. They were signed by me in 1981.

MR. FAWER: I don't know if there's a slight mistake on your part in recalling it. Has there ever been a question of the date of the signing of the notes?

MR. WEINGARTEN: It's clarified Mr. Fawer. Thank you.

MR. WEINGARTEN:

Q. That signing obligated you to an extra year of interest?

A. That's correct.

Q. If you were buying royalties from Exxon would you have obligated yourself to an extra year of interest?

A. If we had an oral agreement at a specific time as we did here, absolutely. I am a person who has a word and I expect others to have a word and when I enter into an agreement with somebody, I'm living up to the agreement and I expect them to. I deal on the basis of trust. I want people to trust me and I trust people.

Q. You're saying if you had called up Exxon and Exxon said yeah, you can have this royalty interest and you didn't know the person, you would have dated the deal from that moment and you would have been willing to pay interest that was not legally enforceable?

A. I didn't date the deal to begin with. Mr. Fairchild or

Carroll Ingram or both did. You've heard their testimony. You called them as witnesses.

Q. Wouldn't it have been a simple thing to say hey, this is a deal that's legally enforceable when I got the paper. I'm not going to pay an extra years' interest? I mean why didn't you do that?

A. Why would I do something like that when I'm dealing with somebody on a basis of trust?

Q. This man Wiley Fairchild that you've known for so long?

A. That's being facetious. You know I didn't say I said I'd known him for so long.

MR. FAWER: Would it be a good time to take a break? Wouldn't have any more facetious questions or response any need for facetious. Your Honor, would this be an appropriate time to take a few minutes break?

THE COURT: How much longer are you going to be with this witness; do you know?

MR. WEINGARTEN: I certainly will not finish before break time.

THE COURT: Let's take a recess.

(Recess).

THE COURT: Proceed.

MR. WEINGARTEN: Thank you.

BY MR. WEINGARTEN:

Q. Judge Nixon, I believe you testified on direct that the first time you met Wiley Fairchild was in early 80?

A. That's correct.

Q. That would have been after your oil agreement?

A. Yes.

Q. Do you recall, did Carroll Ingram participate in that meeting?

A. Yes.

Q. Do you recall Carroll's testimony on that subject?

A. Yes.

Q. It's different than yours, is it not?

A. Yes.

Q. But your recollection is he was there on that occasion?

A. Yes.

Q. Did he arrange for the meeting?

A. He got in touch with me and told me that Mr. Fairchild wanted to meet me.

Q. All right. Was there an occasion when you met with Mr. Fairchild after the written agreement, or the written deal was consumated?

A. Yes.

Q. Was that the occasion when you told him if I can help you I will, if I can't I'll tell you that, too?

A. Yes.

Q. Mr. Fairchild testified to that, did he not?

A. I think he did.

Q. And his recollection was consistent with yours?

A. In what regard?

Q. In terms of recalling that remark by you?

A. I think that's a fair statement generally.

Q. I'm sorry?

A. I think that's a fair statement. I don't know whether he said those exact words is what I mean, but yes

Q. At least on that point Wiely's recollection was correct?

A. It was correct on that point.

Q. Yes. When you were talking about helping him, what were you talking about?

A. I think I explained it, but if you would like for me to -- it was really something that's normal, I would normally say to someone. I think I explained that already, but I'll go through it again if you would like for me to.

Q. Why don't you?

A. I think as a matter of course you might say that to someone that you were certainly grateful to for putting you into a transaction, as I was. I wanted to make sure that he knew, as I told so many of my friends and other people, alerted them there are certain things a federal judge can't do. If I weren't a federal judge maybe I could do certain things for them that I can't, such as if I were practicing law I could give them legal advice. I can't as a federal judge. That was one of the examples I used.

Q. Did Mr. Fairchild do anything or say anything that would have caused you to give him that admonition?

A. No. It wasn't an admonition, though. I wouldn't call it an admonition.

Q. That was just your response to being put into this deal?

A. Yes. I talked to him, he was very nice, complimentary about my desire to help my family, what have you, the reasons that I was trying to supplement my income. Look down the road to educating my children. I had another personal problem with one of the children that was expensive.

Q. Judge, in your testimony yesterday you indicated that during this period of time you invested in other wells, is that correct?

A. Yes.

Q. Other mineral interests?

A. Yes.

Q. And I think it's actually Defense Exhibit 39, the Patison Petroleum Corporation, Chevron, I guess it's Point Coupee Parish, and Geosouthern?

A. That's correct.

Q. How did you get involved in those other transactions? Were these through friends as well?

A. Yes.

Q. Would these be ventures yourself and -- you and your friends would participate in?

A. Yes.

Q. These other transactions are very different than the Fairchild?

A. In what respect?

Q. Fairchild you're buying properties from Fairchild; with these other transactions you and a friend are purchasing jointly property from someone you don't know.

A. I'm not sure whether the Point Coupee was purchased from our friends the Stocketts, what they had purchased, or whether we purchased along with them. I don't really recall that. Whatever you say, whatever -- if you have information I'll agree with it.

Q. My understanding, correct me if I'm wrong, is that Stockett purchased similar property to yours but more?

A. All right. I'll accept that. I was thinking we purchased from them because they were the ones who put us in it. They were in the oil and gas business also, that is the business of purchasing and selling royalties as I understand it.

Q. The Stockett investment wasn't too good, was it?

A. No.

Q. Stockett lost money on that too, did he not?

A. I would assume he did.

Q. There was no backdating in any of these other transactions, was there?

A. Not that I recall.

Q. In every instance you went to a bank and signed notes for the purchase -- for the loan?

A. I would have done that in this transaction if Mr. Fairchild hadn't volunteered that his company would carry the notes, carry the paper. That's why I told Carroll to let me know, I was going to go to the bank --

Q. Who conveyed that message? Was it Mr. Fairchild or Carroll?

A. Carroll conveyed the message to me, but I assume it came from Mr. Faircnild. Carroll wasn't carrying the notes, Fairchild company was.

Q. When was that?

A. When was what?

Q. In what part of the transaction did Carroll convey that message?

A. When Carroll called me shortly before he came down with the instruments, first part of 1981.

Q. That's the first time you even consider financing the transactions with Mr. Fairchild?

A. I didn't consider it. I was told he was going to finance it, I said well, fine.

Q. I mean you were told, you could have said no, erased that possibility, could you not?

A. He didn't raise the possibility. Carroll told me in response to my question, I thought you would give me some notice so I could arrange for my financing, he said, I don't know whether he said Mr. Fairchild or the seller, was going to finance it, that is, carry the paper.

Q. That was --

A. I said fine.

Q. That was just offered to you out of the blue in the sense that you never considered it before?

A. Well, I hadn't asked for it if that's what you mean.

Q. Okay. You discussed Geosouthern, how it came about you got out of that investment. Is it fair to say that a number of investors in Mississippi got involved in a venture in Texas?

A. That's my understanding.

Q. And you got involved in it through a banker friend of yours named Pittman?

A. Yes.

Q. You were, you made it known to Mr. Pittman you were interested in investments?

A. Bill Pittman was the president of the branch of the bank, First Mississippi National Bank on the coast. He was a friend of mine, we belong to the same club together, we socialize a little together, not on a really personal basis. We happened to be together and I talked to him. He did a lot of banking, in his bank, in fact, that is the bank, First Mississippi National Bank, that's where my principle accounts were at the time and have been for some years.

Q. So you were talking to him about possible investments?

A. Yes.

Q. He came up with a suggestion about this project in Texas named Geosouthern?

A. That's right.

Q. And you borrowed approximately ten thousand dollars from Pittman's bank and invested in Geosouthern?

A. Yes.

Q. And Pittman --

A. Wasn't Pittman's bank; he worked for the bank.

Q. I'm sorry. Okay. Pittman invested too?

A. That's my understanding, he said he was going to.

Q. And a number of other prominent people in Mississippi?

A. I found out later that was correct.

Q. One day you learned that very serious allegations of fraud had been lodged against these people in Texas?

A. I don't know exactly what the allegations are, but I think that statement, fair statement that that was the basis of the claim.

Q. Were there security fraud violations, or allegations of securities fraud, was there even a racketeering, civil RICO?

A. If --

MR. FAWER: I object. As to the Judge, is this really relevant to this case? If is it, I'd like a proffer.

MR. WEINGARTEN: You raised the subject.

MR. FAWER: I raised it it to point out --

MR. WEINGARTEN: This is responsive to direct.

MR. FAWER: With all due respect, Your Honor. I raised it so the jury would know exactly the full scope of all his other investments. One of the investments, Your Honor, is the Geosouthern which by 1982 he has sold. I had him explain, if you recall, Your Honor, that there was a piece of litigation, the one he's referring to that unbeknownst to the Judge was filed in the Southern District of Mississippi, he then had to recuse himself and got out. He's taking that as some sort of opening to suggest that this is a case, he's a potential plaintiff in that case, and I object to this unless there is a proffer to show the connection, Your Honor.

THE COURT: Mr. Fawer, once you raise something on direct, he's got a right to go into it in cross-examination.

MR. FAWER: I have no problem. But the issue of the fact of -- nevertheless, there is some connection, apparently the people from whom they bought, Pittman and he and others are being charged with some violations, civil violations of law, one of which is under the RICO statute, racketeering statute. Now what relevance does that have in this courtroom concerning this judge's trial? I'm asking for a proffer on just that limited area.

THE COURT: You are overruled.

MR. FAWER: Thank you.

BY MR. WEINGARTEN:

Q. I can't remember where I was. Can you read the last question back, please?

(Question read.)

THE WITNESS: I don't know.

BY MR. WEINGARTEN:

Q. But the allegations seriously undermined the value of the investment, did it not, or did they not?

A. I don't know. As soon as I found out that suit had been filed and I was a named plaintiff in it, which came about as a misunderstanding, I immediately recused myself, didn't even read the pleading, never have read the pleading, and immediately disposed of my interest.

Q. The fact that you're a federal judge doesn't prohibit you from being a plaintiff, does it?

A. No, but I don't think, I didn't, I wasn't comfortable with being a plaintiff in a lawsuit filed in my own court, even though I would not be the presiding judge. Certainly none of the other judges of this district would sit and should not sit, and they never did. In fact, Chief Judge of the Fifth Circuit sat and tried it.

Q. Even after you --

A. According to the newspaper.

Q. Even after you recused yourself and gave up your investment, the Fifth Circuit sent down the chief to try this case?

A. No, they didn't send down the chief. Chief Judge Clark is designated to sit as a district judge in this district. He lives in Jackson.

Q. Okay.

A. He tried the case as a district judge.

Q. Is it fair to say that you also were not particularly interested in having a ten thousand dollar investments in property that was the subject of a civil fraud suit?

A. I think that's a fair statement.

Q. And you discussed this matter with Mr. Pittman, who had gotten you into this investment?

A. I went and talked to Bill and said Bill, I don't want to be in this investments any longer. The suit is pending in United States District Court, it's not appropriate for me as a judge of this district to be a plaintiff in a lawsuit in this court. I didn't know I was going to be, and I would like for you to try to find a buyer for my interest.

Q. Who in the world would possibly be interested in buying an interest in property that was the subject of a civil fraud suit?

A. Well, perhaps a lot of people, because if the plaintiffs were successful they would recover not only what they had invested, but a great deal more. I think treble damages.

Q. Quite a gamble back in 1982, was it not?

A. I don't know.

Q. Mr. Pittman bought it?

A. He what?

Q. Mr. Pittman, the person who contacted you originally, reached into his pocket and bought your interest?

A. I don't know that he reached into his pockets, but he told me, he said I put you into it, Judge, and I can understand how you feel. He said I'm keeping my interest, and I'll purchase yours. He was always optimistic about winning the lawsuit, and I think the plaintiffs did win the lawsuit eventually on the securities violation aspect of it.

Q. He purchased your -- the amount that you had bought it for?

A. I think that's correct. I think with some debiting.

Q. Let's turn to 1982. That's when the royalties start coming?

A. Yes.

Q. Did Wiley Fairchild at any point in time around this time advise you that he overcharged you?

A. One time that I talked to Mr. Fairchild, I don't know which time it was, I think it was probably in the May meeting, I'm not sure when it was, May of 1981, I'm not sure when it was, he made the statement to me once that he said Judge, I might have overcharged you for these interests because I made such a big profit. I said well, I'm certainly satisfied with the investment.

Q. When do you think he said that to you?

A. I don't know.

Q. Would that have been after the royalties started coming in?

A. I don't know when it was.

Q. In 1982 I guess --

A. I think it was in 1981, though, at the May meeting, but I'm not sure. If I'm not sure of something I'm going to tell you.

Q. Okay, thank you. There came a point in time when Wiley Fairchild expresses interest in putting you in another deal?

A. I don't know that he expressed interest. He mentioned it to me, if that's what you mean, in October of 1982 at this reception given for me when I became chief judge of the district.

Q. Is it your recollection that that's the first time he makes such a mention?

A. That's my best recollection.

Q. Did you discuss this with Carroll Ingram?

A. I think I mentioned it to Carroll at some time.

Q. Did you express enthusiasm with the notion of more deals with Wiley Fairchild?

A. I expressed enthusiasm if I could, would be in something that was as good as the one that I was in.

Q. And were you envisioning a situation like Judge Russell's with Mr. Biglane, a number of investments with an astute oil man?

A. Not to that extent, because my source of funds was much more limited I think than Judge Russell. I don't say that disparagingly or facetiously. I think I'm at the bottom of the ladder each year when the newspapers publish the financial worth or the judges of this district, I think I'm ranked as the poorest and Judge Russell is ranked as the wealthiest.

Q. And then came the occasion when you were in Hattiesburg and you visited Wiley and Wiley mentioned blackmail, is that correct?

A. Yes.

Q. Now, just so we're clear on this, when you were in Hattiesburg on that occasion did you have a preconceived notion that you would see Wiley Fairchild?

A. I don't know that I had a preconceived notion. I did know that I had recently paid off my loans and I was up here and took the opportunity to call him and talk to him, yes.

Q. Just socialize?

A. I say the loans, the obligation to pay the three notes, I paid them off on March 1st of that year.

Q. Did you do that --

A. Finished paying them.

Q. Were you intending to pursue the possibility of more investments on that occasion?

A. Well, if he would have brought it up or mentioned it, I was certainly interested, but I didn't bring it up and neither did he.

Q. And before you left for Fairchild's, you made an arrangement to see Bud Holmes?

A. I had already done that, yes.

Q. First made -- you made plans to see Bud and then you called Fairchild?

A. Yes.

Q. And then you go to Fairchild's?

A. Yes.

Q. You call, go in the back way to Mr. Fairchild's?

A. I go in the same entrance I had gone in before and the entrance he told me to go in whenever I came to see him. It's not a back entrance. It's a front entrance but it's the entrance into his private office rather than going through the business office and going around.

Q. Okay. It's your testimony that his brother Rodney is in there?

A. Yes.

Q. You had a prior relationship with Rodney?

A. I didn't have any prior relationship with Rodney.

Q. Do you know him?

A. As I testified previously, I might have met him before. I don't know. The name was familiar, his face looked familiar. Whether we had met somewhere I don't know, didn't recall.

Q. And Wiley kicks Rodney out of the office?

A. I wouldn't say he kicked him out. He more or less told him to get out.

Q. Okay. And then what does he say to you?

A. Exactly what I testified to previously. He said judge, you're a good man, he said, and I know you've got a good reputation. Said I've got a son who got into some trouble out at the airport on a drug matter, he's been nothing but trouble to me all his life. I think he mentioned something about they hardly talked, I'm not sure, but I think he did. I may not have said that previously, but I got to thinking about it. He may have mentioned that also. And he said I'm not asking for a thing for him, he's probably getting what's he deserves, which is a pretty good deal. He said but what I'm concerned about, what I'm mad as hell about is Bud Holmes is blackmailing me. He said dragging Fairchild's name through the mud in the news media, and then he mentioned the fact that someone else who was involved was not even charged or indicted.

MR. WEINGARTEN:

Q. Okay. Is that the first time you knew that Wiley Fairchild --

A. That's, of course, when he told Carroll Ingram's name.

Q. Is that the first time you had heard mention of Drew Fairchild?

A. No.

Q. You had seen something in the newspaper?

A. Yes, the newspaper and/or the television.

Q. And that would be criticism of Bud Holmes as to the way the case has been handled?

A. That was my recollection.

Q. So in your mind when you were sitting in Fairchild's office was a notion that Drew Fairchild was Wiley's Fairchild's son, he had gotten involved in smuggling, the case had been in the Forrest County courthouse and there were public allegations that Bud Holmes had mishandled it; is that fair?

A. I think so.

Q. So you had that information when you walked into Wiley Fairchild's that afternoon?

A. I had read -- whatever I had seen in the newspaper and I didn't recall exactly what it was, but I recall generally what it was about.

Q. And now Wiley Fairchild alleges that Bud Holmes is blackmailing him as well as Carroll Ingram?

A. He thought Carroll might be in on it.

Q. Pretty serious allegation?

A. Yes. Very shocking.

Q. Blackmail, of course, is a federal crime?

A. If it were blackmail technically and legally I guess it would be, yes.

Q. Well, did you know whether or not it was?

A. What?

Q. Blackmail?

A. If it were blackmail?

Q. I mean did you have any basis to come to you in conclusion whatever when it was blackmail it was Wiley Fairchild was talking about?

A. That's the word he used and he used it in the context of dragging his name through the news media and that would not constitute blackmail in my legal opinion if you're asking for it if that was all there was. I thought the charge -- I couldn't believe that. I thought it was nonsense, but I thought that Mr. Fairchild was sincere in his complaint and belief.

Q. Well, did you not owe it to Mr. Fairchild to pursue it a bit further and find out perhaps if there were some facts to substantiate it?

A. No, and I wasn't representing Mr. Fairchild and I can't practice law. I was not a law enforcement officer and if Mr. Fairchild had wanted to make a complaint, formal complaint as he apparently did to the FBI later in 1984, he certainly was free to do that.

Q. Did you encourage him to do so?

A. No.

Q. Well, here's this man who you had a financial relationship with --

A. He didn't ask me to do anything about it.

Q. Well, why was he volunteering this information to you?

A. You have to ask him that.

Q. Well, your --

A. I certainly didn't enjoy hearing it from him.

Q. Well, here's a man with whom you have a substantial financial relationship and you're looking to have even a greater financial relationship alleging that 2 very close friends of yours are doing something very improper; is that fair?

A. Well, I didn't know exactly what he was talking about except what I could gather and apparently what he was talking about was he said -- was the blackmail by dragging the Fairchild good name through the news media or having it occur.

Q. If Holmes had called up Fairchild and said give me $50,000 or I'm going to issue press releases about your son, that could conceivably be blackmail; could it not?

A. Are you asking for legal advice?

Q. I'm not asking for legal advice.

A. I can't give legal advice.

Q. How about your opinion?

A. I guess it could conceivably be if that had happened. Do you have any evidence to offer that that happened or posing that as a hypothetical?

Q. Posing as hypothetical?

A. I understand.

Q. Did you pursue any further considerations with Fairchild to find out if he was talking about anything like that?

A. No, because from what I gathered he was not talking about anything like that. I'm sure he would have said that to me. I assume he would have if that had happened. Do you contend that was the case?

Q. How did you gather that?

A. How did I gather what?

Q. How did you come to any conclusions at all as to what Mr. Fairchild was talking about?

A. Based on what he said.

Q. You said he said that Bud Holmes is blackmailing, he's dragging my name through the newspaper?

A. Good Fairchild name through the news media, dragging through the mud and news media.

Q. You came to the conclusion that this whole thing was nonsense based on those two pieces of information?

A. I thought that it was nonsense, but.

Q. Well, Mr. Fairchild was worked up?

A. He was what?

Q. Was he worked up?

A. He was mad.

Q. Very angry?

A. Yes.

Q. Well, did you take Mr. Fairchild seriously at that time?

A. I thought he was sincere but I didn't think there was anything to it.

Q. How could you come to that conclusion?

MR. FAWER: Your Honor I've heard -- the third time asked the same thing. The man said that's the conclusion he came to. I guess he could ask it 10 more times and I guess I could listen to it, but I would object being repetitious the man answered it. Been asked and answered four times now.

MR. WEINGARTEN: Keeps increasing everytime Mr. Fawer openes his mouth.

MR. FAWER: How many times you asked the question?

MR. WEINGARTEN: I ask for a ruling, Your Honor.

MR. FAWER: Fine. I ask for a ruling, Your Honor.

THE COURT: Sustain the objection.

MR. WEINGARTEN:

Q. You certainly had trust in Mr. Fairchild's judgment as to the value of mineral leases; is that correct?

A. I don't think I put any trust in the judgment as to the value of the leases. I paid what the price he asked if that's what you mean. I thought he would set a fair price based on his reputation.

Q. And his reputation, behind his reputation is your sense that he knew what he was doing in this particular business?

A. I was told that he was -- he did rather.

Q. And by the time you were sitting in his office on that occasion, that conclusion was born out, you were getting royalties and satisfied Mr. Fairchild knew what he was doing in this very, very sophisticated business?

A. Two of the wells 2 of the 3.

Q. When he said Bud Holmes was blackmailing him, you came to the immediate conclusion that was nonsense?

A. I don't think that was in the field of his expertise of oil and gas.

Q. Do you know --

A. That was a legal term he used and --

Q. Well, he had a sense that something very wrong was going on; did he not?

A. That was apparently his opinion.

Q. And you concluded that it was nonsense?

A. Based on what he told me, I couldn't believe it. I couldn't lead myself to believe it because I had no basis for believing at that time like that about Bud Holmes and certainly not Carroll Ingram.

Q. He mentioned that someone who was also involved in the smuggling was not prosecuted; is that correct?

A. He didn't say smuggling. He said who was involved in the same thing.

Q. So in addition to alleging blackmail he was saying that there was another smuggler who was not being prosecuted?

A. In essence that was his complaint.

Q. Did you conclude that was nonsense?

A. I didn't know.

Q. If that were in fact true --

A. I didn't reach any conclusion on that. I wanted to get out of there as quickly as I could.

Q. Well, if that were true --

A. I was shocked.

Q. Mr. Fairchild's second allegation were true that would be substantial favoritism on Holmes part; would it not?

A. I don't know. I didn't know the facts and never had been given the facts of that matter at that time. Just that general statement.

Q. So you concluded the first part was blackmail and you came to no conclusion as to the second part?

A. Would you repeat your question?

Q. When you came to the conclusion that the blackmail allegation was nonsense but you came to no conclusion as to whether or not Holmes had shown favoritism with regards to this other alleged smuggler?

A. I told you the conclusion is nonsense is because I knew Carroll Ingram and Bud Holmes for a long time. They were both friends of mine, long time friends and I couldn't bring myself to believe that they were blackmailing somebody and then the context in which Mr. Fairchild used the term blackmail was having the Fairchild name drug through the mud and news media.

Q. And he made this second allegation, did he not, that Holmes had willfully failed to prosecute another equally guilty party?

A. He didn't make that statement.

MR. FAWER: That is a misstatement of the testimony, Your Honor, and he knows it. There never was the linking of the name Holmes with what he's just described. He simply -- I mean can be a restatement of the question as the testimony has been adduced from this witness and from other witnesses.

MR. WEINGARTEN:

Q. Was it not your understanding that what Fairchild was talking about in the second allegation was that there was another smuggler equally guilty as his son who had not been prosecuted?

A. He didn't say anything like that. He said what I told you. He said I didn't know who he was complaining about whether he was complaining about the federal Government on the state since apparently no charges had been brought against this other person. And as I understood it, the matter started with the federal Government. The DEA Department of Drug Enforcement Administration of the United States Government that handled the case at first and apparently brought it in to the United States attorney Mr. Phillips.

Q. When Fairchild mentioned the second allegation, you were not interested enough to elicit any more information?

A. It wasn't my obligation or my duty and you show me anything in the law that says it was. I was not a law enforcement agent. He was not making a formal complaint to me as such and gave no details and I wanted to get out of there. It was very embarrassing to say the least. Very shocking.

Q. Why was it embarrassing?

A. I didn't know what to say and I didn't say anything.

Q. Well, did you say Mr. Fairchild you're making very serious allegations? Why not report them?

MR. FAWER: Let's stop and listen to what we have. The man has just said he didn't say anything. The next question is well, did you say X. Your Honor, I would object to the form of the question in light of the preceding answer unless he wants to hear the same answer repeated. The man has just said he didn't say anything. He himself didn't say anything. Now he asked that question.

THE COURT: I'll sustain the objection.

MR. WEINGARTEN:

Q. Why simply did you not fell Fairchild if he's got a problem, talk to law enforcement?

A. One thing, I wasn't giving legal advice. Another thing, I had assumed that he would probably know he could do that because apparently he did it in 1984. And based on what he told me I already answered the question I think two or three times for you.

Q. Did you come -- did you receive the impression that Fairchild wanted you to talk to Holmes?

A. I had the impression that he wanted me to mention that charge of blackmail.

Q. Upon what was that impression based?

A. Just a feeling I had.

Q. Can you describe it?

A. Whether it was right or wrong, I don't know.

Q. Can you describe it any further?

A. No.

Q. Well, he makes allegations --

A. Because he didn't ask me to and, of course, I didn't say I was going to.

Q. Well, did he articulate any words that you can recall that would have caused this impression?

A. Just what I told you are the only words I recall him articulating. I've told you three or four times.

Q. Just ask one more. You can't point to anything that would have caused this impression?

A. I think I answered your question.

Q. And just coincidentally you had plans to see Holmes following the meeting with Fairchild?

A. I don't know whether you'd say coincidentally but I told as I testified previously I had plans to go out and borrow the records which I had been intending to do and had called about it.

Q. It was purely unrelated?

A. What was that?

Q. Certainly unrelated?

A. Yes.

Q. Where Holmes is alleged to be a blackmail and your prior plans to see Holmes, that's pure chance?

A. I've already answered your question.

Q. So you go out to Holmes and you drive out to his farm?

A. Yes.

Q. Who was out there?

A. As I stated previously, I don't recall whether he was there already or not.

Q. He eventually arrived or eventually you 2 got together?

A. Yes.

Q. Was anyone else there?

A. I don't recall. I've been out there several times and I don't recall whether Haskel was there or anyone else was there or not there.

Q. Was Marsha Bailey out there?

A. I don't recall whether she was or not.

Q. What happened once you got there?

A. I don't recall seeing her but she could have been there.

Q. Was she involved in the transmittal of Hank Williams records to you?

A. Not that I recall.

Q. You got out there and I suppose you had a greeting and then did what?

A. Well, I've already stated. If you'll just ask me specifically, I'll try to be more specific if you have something in mind.

Q. How long a period of time elapsed before you told Bud Holmes about what Fairchild had said?

A. I don't know.

Q. Did you make any reference to Fairchild prior to talking to Bud about the blackmail allegation?

A. On that occasion?

Q. Yes.

A. No.

Q. I mean did you discuss your financial relationship with Fairchild?

A. Not on that occasion.

Q. Had you discussed with Holmes your financial relationship --

A. I think I had at some time mentioned to Bud that I had invested in oil and gas royalties with Mr. Fairchild.

Q. Did you ever convey to Bud the sense that you were very pleased with the relationship you had with Fairchild?

A. I might have.

Q. Did you do it on that occasion?

A. I don't recall that I did.

Q. And then there came a time when you advised Holmes that Fairchild is accusing you of blackmailing him with reference to some -- to this matter, some matter with his son?

A. Yes, in essence.

Q. Why didn't you tell him that?

A. Really what I told him is I said Wiley Fairchild is accusing you of blackmail and I'm trying to remember the words. I don't remember the exact words. They are as I stated yesterday. And before I could get very far is when he came back with that response that I told you about yesterday. He was pretty mad about it.

Q. If in fact there was blackmail going on, would it have been the appropriate thing to tell Holmes?

A. I don't understand your question.

Q. If Wiley Fairchild's allegation was well founded, would it have been appropriate for you to tell Holmes?

A. I wasn't going to mention. I had no intention of even mentioning it but it was weighing on my mind. I passed it on to him what the complaint was.

Q. And did you do it because it was your sense that that's what Fairchild wanted?

A. No.

Q. Well, what was the motivation?

A. Bud was a friend of mine and I wanted to let him now what Mr. Fairchild was complaining about.

Q. Well, did you also tell him about this other individual who had not been prosecuted?

A. No.

Q. Why did you tell him one and not the other?

A. Because that's what I did and I didn't know whether Mr. Fairchild was complaining about Bud with respect to the other individual or the federal Government or what and he didn't go into any detail and I don't even remember a name that he mentioned.

Q. Well, did you tell Bud so that Bud would clean up his act with Wiley Fairchild?

A. No. I just passed it along to him.

Q. It was weighing on your mind and you originally had decided?

A. Yes.

Q. Why did you originally decide that you weren't going to tell him?

A. Because I didn't want to get involved at all in such matter between them and I was sorry that Mr. Fairchild had seen fit to do that really to me. I was a victim of circumstance there actually in effect what it was.

Q. You mean Mr. Fairchild giving you this information is that what you're talking about?

A. Making a complaint.

Q. You passed on the information?

A. Accusing Bud and Carroll Ingram of blackmail by dragging the Fairchild name through the mud and the news media.

Q. You give this information to Bud, Bud explodes and then Bud wants to talk to you about it?

A. He wanted to tell me about the Drew Fairchild case.

Q. And you resisted?

A. I told him I didn't want to hear about it. I didn't have all night and once you let Bud start talking, there was nothing wrong with me listening to it or listening hear about it. Once you heard Bud start talking, you can't turn him off and I wanted to get home.

Q. Fairchild makes this very serious allegation about a very close friend of yours and the friend wants to explain to you what it's about and you wouldn't listen?

A. I wasn't going to listen to Bud all night. He had already -- he had already responded when he said the son of a bitch is paranoid. Those were his words. And he thinks everything's trying to blackmail, beat him out of his money and he's got more money than that he could ever spend. Everybody is after his money he said and he said --

Q. Is that what he said?

A. He said -- I forget his words exactly but he said that there's nothing to it. It's all been worked out. After I told him I didn't want to hear anything about it, that's the only thing he said.

Q. And you cut him off because you weren't interested?

A. I cut him off because I didn't want to listen to him all night.

Q. How about for five minutes?

A. I thought it was nonsense. I told you four or five times.

Q. And there was no discussion of the --

A. If I had to do it again, I'd never mentioned to him.

Q. I'm sorry?

A. If I had to do it again I would never mention, pass on the complaint.

Q. All the while were you going through the Hank Williams records?

A. Not all the while, no. Some of the time I was there of course.

Q. Just sitting around --

A. Yes, I told you I had 2 drinks out there with him.

Q. What else were you discussing with Holmes?

A. I don't recall anything in particular. We were discussing football and --

Q. You didn't mind listening to Holmes about football but you didn't want to hear about this very serious allegation?

A. If you've ever been around Bud Holmes and he starts to tell you about something that you don't know anything about, you're in for a long, long wait.

Q. Well, Holmes is a lawyer --

A. Particularly since he'll probably talk on the telephone four or five times while he's telling you.

Q. Holmes is a lawyer; is he not?

A. Yes.

Q. And successful one?

A. Yes. I think so.

Q. Extremely successful businessman; is he not?

A. I think so.

Q. He negotiates for a great number of national football league players, doesn't he?

A. I don't know how many but manages a few very top notch players.

Q. He can convey a message when he wants to; can he not?

A. I don't know what you mean.

Q. He can explain something in an articulate concise form when he needs to; can he not?

A. No.

Q. He can't?

A. Not to my knowledge. I've never heard him or seen him do it in or out of the courtroom. Frankly, I don't say that to belittle him or make fun, but I say that because it's true.

Q. And you were just too busy --

A. I think you heard him testify, as I did. You might agree with me, when he testified here previously.

Q. Your time was too precious to hear Holmes' explanation in response to this allegation?

A. I don't think you're being fair. Is that a question or a statement?

Q. Is it true or not? You just --

A. No.

Q. You just didn't want to listen to him?

A. No. I think you understand what I'm saying, in all fairness.

Q. In all fairness, Wiley Fairchild, person who you were greatly interested in doing business with, alleges that this very close friend of yours is a blackmailer and you didn't take the time to hear Bud Holmes' response. The question is why not?

A. I told you in what context I heard it. I was not judgign the matter, I was not trying to decide who was right or wrong, and I wasn't called upon to do that.

Q. You did pass the information --

A. I got caught right in the middle there and I got out as fast as I could.

Q. There came a time when there was a call back to Wiley?

A. Yes, Bud made a call. Unbeknownst to me --

Q. Was he in the same room?

A. -- until he put me on the telephone.

Q. Were you in the room together?

A. We were in the same room, yes, with the records being played.

Q. Bud is talking to Wiley and you just don't have a clue that that was going on?

A. I don't know about the clue. I didn't know it was going on if that's what you mean. Bud was on the phone almost constantly, off and on the telephone while I was there, as he usually was. If you try to keep up with Bud Holmes' telephone conversations, that's a full time job.

Q. How far away from you was he?

A. I didn't go there to listen to Bud talk on the phone; I went there to borrow the records, Mr. Weingarten.

Q. How far away from you was he?

A. I don't know. Maybe fifteen, twenty feet or more.

Q. Did you hear the word Wiley?

A. No, not until he called me over there and handed me the telephone.

Q. Never heard the word Drew?

A. No.

Q. Just had no idea what Bud Holmes was talking about on that phone on that occasion?

A. Didn't hear it. I don't know how I could have an idea about it. I wasn't trying to listen to what he was saying on the telephone, I was playing the records.

Q. Was Bud sober on that occasion?

A. No, I don't think he was.

Q. When you got on the phone I think you said Wiley was half drunk or half asleep?

A. His speech was very slurred and very different than I heard it before.

Q. So of the three participants in this conversation, only you were sober?

A. I didn't say that. I'm not going to make an accusation Wiley Fairchild wasn't sober. I don't know what was wrong, whether he had been sleeping or what.

Q. Now you listened to Wiley Fairchild's version of that conversation in court, did you not?

A. Yes.

Q. And it's your testimony that that's incorrect?

A. My testimony is that what I'm telling you is what happened.

Q. Did you testify yesterday that you were disgusted that you had been given the phone?

A. I didn't like it at all. Whatever word I used, I'm telling you now I didn't like it at all.

Q. Why not?

A. I didn't know Bud was going to pick up the phone and call Wiley Fairchild, the condition he was in, and mention this matter to him. I didn't do it for that reason. I didn't pass it on for that reason.

Q. You had just told Bud Holmes that Wiley Fairchild had accused him of blackmailing him. What response did you expect?

A. From Bud?

Q. Yes.

A. I didn't know.

Q. Was he going to sit back and have the information registered, that's interesting, and move on?

A. I don't know. If you know Bud, he's sort of like water off a duck's back a lot of times. Just as I told you his attitude toward the news media was. He'd curse them and then say he didn't give a damn what they said about him. Those are his words, I'm not --

Q. Did you tell him that Wiley had made this allegation out of friendship for him?

A. What?

Q. Out of friendship?

A. I didn't understand the beginning, I'm sorry.

Q. I'm sorry. Did you tell Bud about this allegation out of friendship for Bud?

A. I passed it on to him because I was a friend of Bud's, yes, been friends a long time as I've told you constantly.

Q. You wanted this to be cleared up? You wanted the matter to be cleared up?

A. Well, I hope there wasn't anything to it.

Q. Here Bud was trying to clear it up?

A. I don't know what Bud was trying to do. I don't know what he said on the telephone. I didn't know he was making the call.

Q. You came to no conclusions when he gave you the receiver?

A. I came to a conclusion.

Q. What was that?

A. I wished the heck I hadn't gotten into that situation, and he hadn't made the call and gave me the telephone.

Q. At that point what was threatening?

A. Nothing was threatening. I was just uncomfortable. I think you can understand what I'm saying.

Q. I'm --

A. His, here's a man, Mr. Fairchild, that I was in a business transaction with, and was -- we had struck up some type of friendship, saying this about two long-time friends, Carroll Ingram and Bud Holmes, and to say the least, I didn't enjoy the situation and being there. I didn't appreciate even being involved in the complaint of blackmail through the news media. He used the word blackmail, I'm not using that word. That was the word Mr. Fairchild used. Plain and essence was the Fairchild name was being drug through the news media, thanks to

Bud Holmes and possibly Carroll Ingram.

Q. Judge, can you tell that at that time without asking Wiley Fairchild some more specifics?

A. Did what?

Q. Can you make that conclusion, could you come to that conclusion without asking Wiley Fairchild what he was talking about?

A. That's what Mr. Fairchild told me, the words I told you. That was a sense of what I understood and heard, from what I heard.

Q. What was your conversation with Wiley Fairchild on the phone?

A. I told him hello. And said Judge, how are you? He said I'm glad you mentioned that matter to Bud, I'm satisfied.

Q. Great news, issue is over?

A. I don't know.

Q. Why were you disgusted?

A. I didn't want to get involved in the matter. I didn't want to be involved in it. Bud's condition -- I didn't know what was going on until I got on the telephone.

Q. Didn't you have a great satisfaction at that time, the person you're in the deals with makes an allegation about a close friend, you tell the friend, the friend calls Wiley Fairchild, and Fairchild is satisfied?

A. I wasn't dissatisfied with it.

Q. I thought you said to Mr. Fawer you were disgusted?

A. I was disgusted with Bud doing that without even telling me what he was doing, making a phone call, putting me on the line with Mr. Fairchild without even asking me anything about it. Maybe the word disgusted means one thing to you and another to me, but I didn't appreciate that at all. I wouldn't have done that to a friend.

Q. You were not happy with Bud but you were satisfied with the results?

A. I don't know, what do you mean by satisfied? I wasn't dissatisfied. I wasn't disturbed about the result, what I thought might be the result, I don't know. Apparently that wasn't the result as it turned out.

Q. Ingram was not advised by you that Fairchild had made this allegation?

A. That's right.

Q. Why did you tell Bud but not Ingram?

A. First of all, Wiley Fairchild wasn't nearly as definite about Carroll as he was Bud. He said Carroll might be involved in it. I thought the matter was, at that time I thought it was - it was as you say satisfied, so why should I go tell Carroll about it. I was sorry I even mentioned it to Bud, and you heard Carroll blow up on the witness stand yesterday just being reminded Wiley Fairchild had said that about him one time years ago, so I didn't, it wasn't necessary and I didn't do it.

Q. You had a sense Wiley Fairchild wanted you to go to Bud; did you have the same sense Fairchild wanted you to go to Ingram?

A. No.

Q. What would be the difference?

A. Just what I told you, I just answered.

Q. The fact Bud was blackmailing him and Carroll might be involved?

A. I just answered your question.

Q. I mean is that fair?

A. No. Just what I told you. I don't know how to explain it any more than I did or better than I did.

Q. Did you not feel that you had an obligation to tell Wiley's lawyer and Wiley's relative, the person who had gotten you into this deal, there might be trouble with Fairchild?

A. I don't understand that question.

Q. I'm talking about Ingram now and your decision not to tell him.

A. I didn't understand. You said his friend, lawyer and his relatives. I didn't understand what you were talking about. Go ahead.

Q. My fault. Did you not feel an obligation to Ingram, Fairchild's lawyer and Fairchild's relative, to say Carroll, I just heard this shocking news from Wiley, he puts you in a possible blackmail scheme?

A. No, and I wouldn't have even mentioned it to Bud if I hadn't already been going out there. As I told you, apparently it was, he was satisfied that it was not true or something, or it would stop. Why should I go tell Carroll Ingram that? Why should I get over the backyard fence and start gossiping about it?

Q. You considered it gossip with Bud Holmes?

A. No. I used that term -- I don't mean gossip. I've explained to you four or five times to you why I didn't say anything to Carroll Ingram. I thought it was over with and there wasn't any necessity causing hard feelings or bad feelings between --

Q. Is Bud Holmes a man that is close friends, no doubts about that, right?

A. How many more times do you want me to tell you that? At that time, yes.

Q. Is there any doubt based on your relationship over the years that Bud Holmes is a person you could turn to for help?

A. Like any other close friend, no doubt about it.

Q. You had done favors for him in the past, he had done favors for you in the past, you had turned to him for help in the past, had you not?

A. In what respect?

Q. Well, in going to games together, or getting tickets for you, traveling together, hunting trips?

MR. FAWER: Excuse me, Your Honor. Would that be really defined as help? Man asked a question, and defines it in terms of going to ball games together. Is that help? I sat there thinking we were going to be talking about some sort of aide and help of some sort.

MR. WEINGARTEN: We'll get to that.

MR. FAWER: Let's try to be, if you're talking about help, give him an example of what you're talking about.

BY MR. WEINGARTEN:

Q. Do you want me to clarify, Judge? You want me to clarify that, or are you comfortable with the question?

A. I don't know exactly what you're talking about.

Q. You've accepted his generosity in the past, have you not?

A. Generosity I guess of a friend, as one friend would do for another. Can there be any doubt he and Carroll Ingram and others have been my friends for a long time? I've had many, many friends and I'm very proud of that. I value their friendship. If they were true friends.

Q. He has a relationship with your family, does he not?

A. What --

Q. He knows your family, knows your kids?

A. Yes.

Q. Has he employed one of your children?

A. Be more specific, I'm --

Q. I'm speaking of Bass Aviation?

A. Yes, my son Walter copiloted a jet plane for a while until it crashed trying to take off from the Baton Rouge airport filled with fuel because birds got in the engines one time. He worked for him a short period of time. I don't know whether it was just for him, but for whoever owned the plane he was copilot. I don't know that that was a favor; he employed him, paid him. Walter worked for it.

Q. Had you advised him of your interest in financial investments?

A. I don't recall advising Bud of that. I could have. I talked with quite a few of my friends from time to time, and I never asked Bud to my recollection to put me into any kind of business relation with him or asked him to invest with him, I never did.

Q. Has he ever lent you money?

A. No.

Q. Has he helped you with an addition to your house?

A. No.

MR. PAWER: We've gone about as far afield -- I'd like to approach the bench, Judge.

(At the bench:)

MR. PAWER: He's doing it again. Precisely, I'll be more precise. The allegations of Petit Bois is where he's reaching. You've -- God damn, I'm pissed off. I can't tell you how angry I'm getting.

MR. WEINGARTEN: I'm not bringing up Petit Bois.

MR. FAWER: With that blank face of his -- you know right where you're going.

MR. WEINGARTEN: Bud Holmes provided --

MR. FAWER: So what. Tell us this -- The judge has excluded it, the evidence, and --

MR. WEINGARTEN: You telling me I'm going to talk about Petit Bois?

MR. FAWER: I think you'll try to do what you can get away with, despite -- you know the feelings I have about what you will try to do, so they are very candid. I think you're about to try to do it now. I asked the judge for a ruling that you live with the 404(b) ruling of Your Honor. If you want to go close, what's I mean by close, within smelling distance, you come to the bench first.

MR. WEINGARTEN: I'll make a proffer. Judge Nixon put an addition on his house. Bud Holmes provided his contractor and fronting the money --

MR. FAWER: Fronting the money? Let's go off the record. Can we go -- and fronting the money?

MR. WEINGARTEN: For the contractor.

MR. FAWER: He didn't front -- that's your word, what do you mean?

MR. WEINGARTEN: Paid the guy.

MR. FAWER: Then why don't you say paid.

MR. WEINGARTEN: What's the difference?

MR. FAWER: I don't like your use of terminology.

MR. WEINGARTEN: The Judge understands what I'm talking about.

MR. FAWER: I'm not sure he does.

MR. WEINGARTEN: There is no negative --

MR. FAWER: I read it that way.

MR. WEINGARTEN: That's your problem.

MR. FAWER: Then let's go in some place where we can debate this, if you are, if you think this is not --

MR. WEINGARTEN: I don't think this has got a blessed thing to do with Petit Bois.

MR. FAWER: This falls right in the category, the judge has ruled that any favors that relate to the transaction, to the relationship were not germane. Your Honor, I ask you to recall your ruling. That's what this is, he's going into it. I will take your ruling out and show you how it covers four square --

MR. WEINGARTEN: I can make this very easy. Holmes is --

MR. FAWER: They can hear it. We shouldn't have it in the courtroom if you're going to make it loud.

MR. WEINGARTEN: Yours is much louder than mine.

MR. FAWER: I'm not talking about that subject.

MR. WEINGARTEN: Holmes is alleging that he's doing this because he wanted to help his judge establish a financial relationship with Fairchild. That means --

MR. FAWER: I could hear it, not in this courtroom but in the next courtroom, too.

THE COURT: Go ahead.

MR. WEINGARTEN: Holmes has done financial business with the judge in the past, done him favors in connection therewith, at exactly the same time as the alleged phone call. Judge Nixon wanted to put an addition on his house. Bud Holmes provided the contractor, contractor was an employee of Bud Holmes' company. The contractor put on a 130 thousand dollars addition. For four months, monies were fronted by Bud Holmes.

MR. FAWER: Excuse me? There is an independent contractor who happens to be -- why don't you tell him, the father of Marcia. Your Honor has ruled on it. You've ruled all of this out. This is the Marcia, Bud's girlfriend, Marcia's father. He did Bud Holmes' private business. He also did some work for him. Charged both of them, there is no -- if somebody called a contractor with me, you said you needed a contractor, I recommended him to you and he did work for you. You passed on this issue.

THE COURT: Well, what I passed on was on the hotel rooms.

MR. FAWER: That's not true. You passed previously on the -- you want me to show it to you?

THE COURT: No, I don't want to see it.

MR. FAWER: You passed on it. He talked about it. He wants to develop the relationship, Your Honor. There was an addition by Marcia Bailey's father. The relationship -- you passed on it. I can show you your rulings.

MR. WEINGARTEN: This, does he know about him getting paid by Bud?

MR. FAWER: Why should he have to know?

MR. WEINGARTEN: If you tell me no I wouldn't do it.

MR. FAWER: I don't even know. What, do I have to question you?

MR. WEINGARTEN: All you have to do is tell me no.

MR. FAWER: If I knew the answer I'd give it to you. The point is it's irrelevant under any circumstances and Your Honor has ruled on it. If that is not what your ruling was I could have dealt with it on direct. Your Honor made the ruling. It clearly covered this four square, simple as that. The relationship, I sat back when he started going into the tickets for football games; that was part of the proof you ruled on already. You said that's not 404(b). Remember that?

THE COURT: I do.

MR. FAWER: But I let him go on, so innocuous. He's going a step further, there is no relationship and there is nothing here. I ask Your Honor to uphold your 404(b) ruling. That's what this is. If not, then I should have had the right --

if that's what you were going to do, we have tried this case on the thesis this is not admissible.

THE COURT: Get me my ruling, let me look at it.

MR. FAWER: Surely.

(Pause.)

MR. FAWER: Here's your ruling but it starts at Page 3.

THE COURT: I don't think that covered what we're talking about.

MR. FAWER: Sure.

THE COURT: You see what I'm talking about?

MR. FAWER: You have to go look at what their motion was. You didn't quote everything from their motion. Their motion under, I think it was -- you got to look at it because you dealt with it by excluding it all. What they had asked for was the ability to develop the relationship by showing these different favors to show the relationship of Holmes, and what you have to look at is their motion, because that's what this was all addressed to. You excluded everything.

MR. WEINGARTEN: No, that could be heard three courthouses down.

MR. FAWER: Wonderful. You excluded, there was a few at the end that were specific, the Wilkerson thing, Petit Bois was addressed particularly, but what you said is they had no right upon a stipulation of that friendship, nobody has disputed that, that's at Page 3, that they couldn't --

THE COURT: What is the relevance as to this particular evidence?

MR. WEINGARTEN: The relationship between the two men is absolutely essential to this case. At the time Holmes is alleged he made the phone call, for the very reason that he wants to puts Judge Nixon in good financial relationship with Nixon, he's doing other things. One of which is providing him with his contractor, the crew, and is paying for a period of four or five months that contractor and crew to put an addition on Judge Nixon's house. Judge Nixon, when the work is over, pays the contractor and the contractor reimburses Holmes, but for a period of four or five months --

MR. FAWER: What relevance did that have? You have, I want a full hearing on that if that's what is happening. Your Honor has led me to believe that's all inadmissible. I think this motion is inappropriate at this time. You have categorically ruled on this, and the only way -- he is only having the audacity to do this because you're hesitating on abiding by your ruling. He knows, he has taken here precisely what's he said in chambers to you: He thinks the relationship of them is relevant, and you said to him in this ruling, which I thought was a perfectly proper ruling, that the relationship cannot be expanded beyond the fact that they were friends. You said it there. We've stipulated, it has been questioned anyway, we even let him go beyond the stuff about the football -- you excluded that and we still allowed it in here. Now they want to go further. I haven't gone into this on direct. I haven't even bothered exploring it with the Judge because I don't have any reason to. I don't even know what the facts are. Man builds an addition on his home. What, is there anything improper? What has that got to do with their relationship? They go hunting together. You excluded all of that.

THE COURT: Well, I don't think it's relevant to this issue. I'm going to exclude it.

MR. FAWER: Thank you, Judge.

MR. WEINGARTEN:

Q. Judge I'd like to move to the interview that was conducted in your chambers in April, 1984. Is it fair to say that I advised you that the allegations basically were two-fold. One that there was an allegation that there was a mishandling of the Drew Fairchild case and two, there was a question about your financial relationship with Wiley Fairchild; would that be fair?

A. As I understood, the whole thrust of that interview was whether there was any connection or link between my transaction with Wiley Fairchild in 1979, early 1980 and the Drew Fairchild drug case that developed in August of 1980.

Q. Well, didn't we have an extensive discussion about --

MR. FAWER: Wait a minute, I take the position if you for thought this was a debate he shouldn't be trying the case because as a matter of ethics a lawyer is not allowed to put him in a position of being a witness and an attorney in a case. He knows that. Now the tapes if he had any problem with that, someone else should be handling this case because if he can pose his credibility standing at the podium with the witness here. We have a tape and if he thought there was a debate what was said before it or after and he should have recused himself or gotten someone else from the department. There's thousands of lawyers up there to try the case and I propose -- I object to him sitting here and standing here and asking any question at which he takes the slightest issue with what the witness said occurred in the conversation between the witness and the prosecutor. Now we didn't make up the rules as to who would question the judge. Reid Weingarten went in there. If he thought there was going to be something come up that would come up in this courtroom, the code of not judicial ethics the code that governs his conduct and mine says he cannot stand up here and question the witness.

MR. WEINGARTEN: I suggest nothing improper about asking a witness a question about an interview that was tape recorded that the jury has already heard.

MR. FAWER: Beg your pardon. He is asking not about the tape recorded interview he's asking that question about --

THE COURT: We have a transcript of the tape. There was a transcript.

MR. FAWER: Mr. Weingarten, you know you're asking him a question that precedes the beginning of the tape. It has to do -- excuse me, of what was said. The witness has testified when he was told in fact the initial name if you recall what Judge Nixon said when they sat down said this is concerning Reddett Fairchild he didn't know who Reddett was. He had to be told that was Drew, and went on to describe what Mr. Weingarten said before the tape was put on very brief. No one saying deliberate conversation after the tape was shut off. There was some further minor discussions concerning the documents and the production.

THE COURT: Read the transcript to him.

MR. WEINGARTEN: It's absolutely unnecessary.

MR. FAWER: Wait a minute. Are you asking him about what he said on the tape?

MR. WEINGARTEN: His recollection.

MR. FAWER: On the tape or the call?

MR. WEINGARTEN: On the tape. It's absolutely what I was intending. I think it was taken that way.

MR. FAWER: The question that had to be brought out is that he was -- what was -- describe the subject matter you announced before the tape was started.

MR. WEINGARTEN: That's not the tape. Did you take it that way, judge?

THE WITNESS: Yes.

MR. WEINGARTEN: I apologize.

MR. FAWER: Accept the apology. The witness read it the same way I did.

MR. WEINGARTEN:

Q. Judge, is it fair to say that only on the taped portion that's the only reference we'll make, the taped portion of the interview that 2 issues were discussed throughout. One was the handling of Drew's case and 2 was your financial relationship with Wiley?

A. No, that's not correct.

Q. You don't think that's fair?

A. There was a third issue which was the thrust of the whole thing and the focus of it whether there was any connection or link between the two because, you know, I wouldn't have mishandled Drew Fairchild's case. I had nothing to do with it at any time. I was a party to the mineral interest transaction and so you left out the most important part which I understood through all this 18 months almost two years has been the charge or allegation of this whole thing against me and is today.

Q. You understood that --

A. The focal point of the whole thing and there's not a thing to it and none of your witnesses have so testified.

Q. You understood that from the April 84 taped interview?

A. Yes.

Q. Did we not discuss the Drew Fairchild case in great detail?

A. You discussed all 3 matters.

Q. Including Drew's case?

A. Yes.

Q. In your mind at that moment did you recall the allegation by Wiley Fairchild?

A. What allegation?

Q. About Bud Holmes blackmail.

A. Complaint?

Q. Yes.

A. Yes.

Q. And you didn't volunteer it at that time?

A. No, I told you why not. I wasn't asked about it, Mr. Weingarten. Did you ask me?

Q. Absolutely not, judge.

A. All right. Let's be fair about it now. How could I, you know.

Q. Did anybody know about it other than you, Wiley and Bud?

A. I don't know.

Q. Well, did you tell anybody other than those two or did you talk about it with anybody?

A. I didn't.

Q. During the --

A. Whether they did or not I don't know.

Q. During April 84 did you mention the backdating -- April 84 meeting did you mention the backdating?

A. I think you asked about it and I didn't recall exactly why until I talked to Carroll when I called him and he reminded me. I immediately remembered it.

Q. Did you recall the delay?

A. And just as Carroll said here from the witness stand.

Q. Did you recall the delay in the April 84 meeting?

A. What delay?

Q. From the time of the verbal deal until the time you got the documents?

A. I said something was unorthodox if you remember the words about the transaction. That means out of the ordinary and I wouldn't remember what it was. I told you I would try to recollect what it was and think about it and I did and I told you what it was now and I think I told what it was in the grand jury.

Q. Is it your testimony --

A. To the grand jury excuse me.

Q. Is it your testimony that you told Whitespunner about the backdating and the delay when he came to your house a day or two later?

A. Whitespunner brought up the question of whether I had recollection what really was the unorthodox thing that happened and that's my recollection of what I told him. He didn't --

Q. What did you tell him?

A. He didn't seem fit to record it. I wish he had when he came by to pick up the papers so we'd have it of record as you did the other. I certainly would have permitted him to. And it was said in the past that he happened to mention that to me when he came to pick up the copies of the instruments. He brought it up again.

Q. He asked you what you meant by unorthodoxed?

A. I'd been thinking about it whether I recall what was meant by unorthodoxed. I don't remember whether he had instructions to ask any instructions from you or whether he asked it on his own or what the purpose is.

Q. Is it your testimony that you told Whitespunner what you meant by unorthodox; there was a backdating?

A. I didn't say backdating, no.

Q. What did you say?

A. I said there was a -- what I recall as being unorthodoxed was the fact that the agreement had been made a long time before the written instruments came and also that the written instruments, the royalty payments came a long time after the written instrument was entered into.

Q. So you told him 2 things?

A. Yes.

Q. Not just one?

A. Yes.

Q. And the two things are that the original deal was long before and the royalty payments came much later?

A. Yes.

Q. You didn't just tell him the latter?

A. No.

Q. After the interview, you spoke to Bud Holmes?

MR. FAWER: Which interview?

MR. WEINGARTEN: Interview April of 84.

MR. FAWER: By you or Ken Whitespunner?

MR. WEINGARTEN: Yes.

MR. FAWER: Which one?

MR. WEINGARTEN:

Q. The first interview?

A. Yes. I told you already. I called Bud, I called Carroll, I called George Phillips after I called Barbara.

Q. Did you call Wiley?

A. No. And I told you and Mr. Whitespunner that I was going to make those calls if you recall, didn't I?

Q. Absolutely.

A. All right.

Q. You mentioned Mr. Goodman you retained a lawyer from Jackson to handle this matter for you; is that fair?

A. Yes I did. He was a business lawyer and a long time friend of mine and very capable lawyer. Retained him later.

MR. FAWER: May we approach the bench?

(At the bench).

MR. FAWER: Judge, I was very careful to make sure with the exception of the directions that Bill Goodman gave him in terms of listening to the questions in the grand jury and answer only what you're asked. I did not go into the attorney/client conversations between Bill Goodman and the judge. We would object if he were to go into the attorney/client.

MR. WEINGARTEN: I think he did. I want to see the transcript of it.

MR. FAWER: You just look at it. Go look.

MR. WEINGARTEN: I think I should be able to look at it now.

MR. FAWER: Be my guest. Before you have a right to go into an attorney/client conversation you better have a predicate for it. Even a judge has a right to have an attorney and have that said. All we did is describe the advice not his conversations concerning the oil and gas deal, not his conversations concerning Drew, not a word, and you won't find it.

MR. WEINGARTEN: Well --

MR. FAWER: Let me finish. There will be nothing. All we did is say attorney had recommended to him and directed him when he went to the grand jury to be responsive to the questions and answer what was asked of him period.

MR. WEINGARTEN: I think the answer talked about the phone call.

MR. FAWER: You are going into the subject matter of their discussion.

MR. WEINGARTEN: You did too.

MR. FAWER: I did not. I just told you what I did. Go to the thing and you find me where I did. I just told you what I did. I know precisely what I ask a witness.

MR. WEINGARTEN: I want to hear what he said.

MR. FAWER: Go read it.

MR. WEINGARTEN: That's what I'm asking for.

MR. FAWER: They have it or you need to find it. Be my guest.

MR. WEINGARTEN: That's what I askea.

THE COURT: Have I you gotten the transcript from yesterday?

MR. FAWER: Why don't we go off the record.

(Off the record).

MR. WEINGARTEN: He elicited information about what advice an attorney gave to him.

MR. FAWER: Proper advice.

MR. WEINGARTEN: Proper advice, any advice, what's the difference?

MR. FAWER: Look, you show me where you have the right. Show me a case which says that I've opened the door and I think you have some ground.

MR. WEINGARTEN: I think you did.

MR. FAWER: That's fine. Until I can site Weingarten on evidence and that's the last thing in the world I'd ever site I don't think you have a right to do it. I think you ought to be circumspect before you plunge into attorney/client relation.

MR. FAWER: You're puching your head right in it if you could and I don't know. It seems to me and this is just a word of advice but you don't have to take it but before you should ever ask a question of an attorney's conversations with a client you should approach the judge.

MR. WEINGARTEN: I didn't ask him that.

MR. FAWER: You were about to.

MR. WEINGARTEN: You're a great lawyer, Michael, but you're not a mind reader.

MR. FAWER: You know that's what you're going to do. You told the judge that. Why didn't you approach the bench?

MR. WEINGARTEN: I can lay a predicate.

MR. FAWER: There was no predicate. You have never approached the bench on predicate.

THE COURT: Get on with it. It's a quarter till 5:00.

MR. WEINGARTEN: Why don't we break?

MR. FAWER: How much longer do you have?

MR. WEINGARTEN: Why don't we break and look at this issue. We'll finish him tomorrow.

MR. FAWER: And we'll go to the jury tomorrow.

MR. WEINGARTEN: We may have --

MR. FAWER: Argue the cases to the jury.

THE COURT: Can we?

MR. FAWER: Absolutely. We're done.

THE COURT: What other witnesses are you going to have? This is it?

MR. FAWER: That's right. This is it.

MR. WEINGARTEN: Are you going to have any rebuttal?

MR. WEINGARTEN: Yes.

MR. FAWER: Take 20 minutes, hour.

THE COURT: When are we going to get the instructions?

MR. FAWER: Let's go do it. Do it tomorrow morning either way. Do it tomorrow morning first thing.

THE COURT: Do you want to go ahead and do it later?

MR. WEINGARTEN: Yes.

THE COURT: After you've seen the transcript?

MR. WEINGARTEN: Well, no. I mean it doesn't make sense the issue arising now so I'd prefer to look at it now. I'm not going to finish either way. I'm sure if I collect my thoughts be quicker tomorrow.

MR. FAWER: If you're going to stop at 5:00 judge, he's not going to finish between now and 5:00. He's going to stay on the stand. I don't think there's any question. I think what we could do might be after you let the jury go if we could have a conversation for a few minutes at the very least.

THE COURT: All right. Ladies and gentlemen of the jury, we'll recess until 9:00 in the morning.

(Recess).

(End of Volume 16)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

UNITED STATES OF AMERICA

V. CRIMINAL ACTION NO. H85-00012(L)

WALTER L. NIXON, JR.

BEFORE: The Honorable James Meredith
Senior United States District Judge

DATE: February 7, 1986

PLACE: Hattiesburg, Mississippi

VOLUME 17

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THE COURT: Proceed.

MR. WEINGARTEN: Thank you, Your Honor.

MR. WEINGARTEN:

Q. Good morning, Judge. Judge, I just want to clarify a point or two about the interest that was paid to Wiley Fairchild. I believe your testimony on direct was that signing the notes February 25th or backing the notes to February 25th, 1980 obligated you to to pay one extra year of interest; is that fair?

A. Yes.

Q. When Fairchild charged you originally, when he tabulated the interest owing originally, he only calculated the interest back to February 25th, 1981?

A. Apparently so. We found that out later. Someone did. His office or someone made a mistake.

Q. And after the investigation started, he contacted you or contacted someone on your behalf and advised you of the fact that the interest had originally been tabulated from February 25th, 1981 and asked you to pay back to February 25th, 1980?

A. No. No, I received a letter from someone in his office advising me of the fact that they had neglected to charge him back to the actual date of the agreement February of 1980 and telling me how much was due. We calculated it and found out I was being overcharged at that but right away we sent a check for that 900 and some odd dollars to pay the interest back to that date and you were informed by us of that that fact as soon as it happened, right?

Q. Judge --

A. Do you agree?

Q. Please, judge. I'll ask the questions.

A. And we did inform you of that fact. All right.

Q. We won't quarrel about that.

A. No quarrel.

Q. Judge, did you know from the outset that Fairchild was charging interest to February 25th, 1981?

A. Charging what interest to February?

Q. 25th, 1981.

A. From February of 80 to February of 81.

Q. Excuse me. Did you know from the beginning of the transaction that Fairchild was charging you interest only to February 25th, 1981?

A. I don't understand your question.

MR. FAWER: Only to or only from?

MR. WEINGARTEN:

Q. Beginning from?

A. Only from?

Q. Beginning from?

A. Beginning from?

Q. Yes.

A. No, I didn't realize.

Q. Prior to the meeting wherein Fairchild makes the allegation about Holmes and Ingram, what's your best recollection of how many meets you had with Mr. Fairchild?

A. Two to the best of my recollection and I think that's correct.

Q. All right. How long would you estimate the first meeting was?

A. I really don't know. It wasn't a real long meeting.

Q. 15 minutes?

A. I really couldn't tell you to be honest. It wasn't very long when I went with Carroll. It might have been a little more than that.

Q. How about the second?

A. Second meeting, I'm just making a guess, but I would say not much more than that if any.

Q. And you recall no further meetings?

A. I called no further meetings?

Q. You recall no other meetings?

A. No.

Q. Can you estimate the number of telephone calls back and forth between you and Mr. Fairchild prior to the meeting where Mr. Fairchild makes the blackmail allegation?

MR. FAWER: Excuse me. I object the inaccurate statement of the prior testimony. The testimony has been given he alone is the only one who ever called Fairchild.

MR. WEINGARTEN:

Q. You recall no telephone calls from Fairchild?

A. That's correct.

Q. In your entire life from the time the transaction began until the blackmail meeting, how many telephones call would you have made?

A. I really don't know.

Q. 10?

A. I don't know.

Q. You just have no idea?

A. No, I'd say more than -- I really can't tell you. I'd be guessing. All I can tell you is that I did call him several times as he had requested.

Q. What would be the longest conversation as you recall? Would any of them been more than five minutes?

A. I doubt it very seriously.

Q. Did Fairchild ever make allegations against anyone before he made the allegations about Holmes and Ingram

A. Could you be more specific?

Q. Had he ever alleged wrongdoing by anyone else?

A. I can't recall that he had. If you'll ask me specifically maybe it will refresh my remembrance.

Q. I'm asking a general question if he ever made allegations against anyone before?

A. I think I just answered.

Q. And the answer is no?

A. The answer is I don't recall him making any but if you'll give me a specific instance or name perhaps it will refresh my memory.

Q. Did Fairchild ever talk nonsense before, prior to the blackmail meeting?

A. What do you mean by nonsense?

Q. What you meant by nonsense when you testified yesterday.

A. No, not that I can remember, but sometimes he's a hard man to understand. I say kind of sometimes talks in riddles. It's hard to understand exactly what he's trying to say and I don't belittle him in that respect but that's just the impression I got by talking to him the few times that I did.

Q. Well, you said yesterday I believe that you came to the conclusion that what he was talking about with reference to the blackmail allegation was nonsense. That's your word, isn't it?

A. I think we went over that about five times yesterday.

Q. Well, did he ever -

A. By nonsense I didn't think -- about the substance when he said that and the subject of who he was talking about, that's the conclusion I reached.

Q. Well, did you come to the conclusion about anything he had said on a previous occasion, the similar conclusion?

MR. FAWER: I think that question was just asked and answered.

THE WITNESS: I think I've answered your question.

BY MR. WEINGARTEN:

Q. Is the answer no?

A. Yes.

Q. What did you tell Carroll Ingram about the call -- excuse me. What did you tell Carroll Ingram about any conversation you may have had about the blackmail with Wiley Fairchild?

A. I didn't tell him anything about that.

Q. Did you tell him anything about contact, any contact you had with Bud Holmes pursuant to a conversation you had with Wiley?

A. Yes, I mentioned one time that I had passed something along to Bud Holmes that Mr. Fairchild had mentioned to me and that I think matters had been satisfactorily resolved or something to that effect in other words.

Q. Why did you tell him that?

A. Well, we were talking about the transaction I had entered into with Mr. Fairchild and it was paying off nicely, paying royalty, and we had talked about -- I had told him that Mr. Fairchild had mentioned to me about possible other investments at the party given for me as chief, reception given me as chief judge and it was in that context or connection and more or less in passing.

Q. Did you tell him --

A. Really had no significance of any kind. That's -- I remember just mentioning it in connection with the other matters I just mentioned.

Q. Did you tell Ingram that Mr. Fairchild had asked you to talk to Bud Holmes about Drew's case?

A. Absolutely not.

Q. And if Carroll Ingram testified to that effect head be mistaken?

A. Yes.

Q. Did you tell Carroll Ingram that Bud Holmes told you --

A. Unless Carroll misconstrued what I said.

Q. Did you tell Carroll Ingram that Bud Holmes had told you that nothing was going to happen in Drew's case?

A. No.

Q. And if Carroll testified to that, he'd be mistaken?

A. He would be.

Q. And did you tell Ingram that you had recorded --.

A. Of course, I could be mistaken but I don't remember Carroll even in his testimony stated that he didn't recall exactly what was said and he also stated that he just in general terms that he got a positive feeling that something satisfactorily had been done. That's my recollection. You may have a different recollection of what he said.

Q. Did you tell Carroll Ingram that you had reported that positive feeling back to Wiley Fairchild?

A. I don't think I did. I did tell him that I had -- it's possible but I don't believe I would have.

Q. But you're certain --

A. I what I recall telling -- what I recall is exactly what I told you previous.

Q. You're certain you never told Ingram that Fairchild had asked you to talk to Bud Holmes about Drew's case?

A. No. If Carroll says that, he misconstrued or misunderstood what I said.

Q. After the April, 1984 interview in your chambers, I believe you testified that you called Bud Holmes?

A. Yes.

Q. Did Bud Holmes have word of the investigation at that time?

A. Said he didn't.

Q. Did you ever call him back about the investigation?

A. No.

Q. Did he ever call you soon thereafter and talk to you about the investigation?

A. No.

Q. Did you see him in Biloxi soon after the interview?

A. I don't know whether I did or not. I'd see him occasionally in Biloxi and more frequently in Hattiesburg.

Q. Did you have occasion to see Bud Holmes between the interview and your grand jury appearance?

A. I really don't know but it's very possible.

Q. And on that occasion if you did, do you recall any conversation with him about the investigation?

A. No. Unless it may have been general, but I don't recall it. Never a mention of it I don't know.

Q. You testified yesterday about advice given to you by your attorney Goodman before you went into the grand jury; is that correct?

A. Yes.

Q. Did Mr. Goodman give you advice about the telephone call?

A. No, because the telephone call that you're making so much about was really of no moment. It didn't -- we were talking about what we perceived to be the focus of the investigation, the Drew Fairchild case on one hand and the oil and gas interests that I had purchased from Mr. Fairchild on the other and connection or link between the two and, of course, the phone call matter never came up because it was of no moment to me because it didn't relate to those matters. All it related to as I've told you time after time is Mr. Fairchild's complaint about blackmail by virtue of the Fairchild name being drug throuh the news media.

Q. Is it your testimony that you never advised your lawyer about the phone call?

A. When?

Q. Prior to the grand jury.

A. That's correct. And that's the reason I didn't. It was of no significance, no moment.

Q. Do you recall being asked about your meetings with Wiley Fairchild in the grand jury?

A. Yes, I don't recall -- yes, I do.

Q. Government Exhibit No. 1. Judge, I ask you to take Government No. 1 and turn to Page 56. Please turn to Page 55.

A. 55.

Q. Yes?

Q. Just read to yourself and see if it's a fair statement that we were talking about meetings you may have had with Wiley Fairchild?

MR. FAWER: May I just inquire, are we talking on that one page or throughout, previous to 56? I just don't know.

MR. WEINGARTEN: Talking about 55 to give the judge an idea --

MR. FAWER: It's preceded by 55 pages.

MR. WEINGARTEN: Page 55 will give him an idea.

MR. FAWER: I think it ought to be understood by the jury that it's preceded by 54 other pages, you have picked out one --

MR. WEINGARTEN: I'm talking about 56. I think the jury will understand there were 55 pages before Page 56.

MR. FAWER: With other questions about the relationship of Wiley --

BY MR. WEINGARTEN:

Q. I'm asking, Judge, is it fair to say at that point in the grand jury that was a discussion about meetings you may have had with Wiley Fairchild?

A. At that point and many other points throughout the grand jury testimony, yes.

Q. On Page 56, on line 3, is the question posed to you, "If the first meeting produced the deal, what would the other meetings have been for?"

A. I see that.

Q. And in your answer, did you discuss the meeting wherein Wiley Fairchild raised allegations of blackmail?

A. Did I raise what now?

Q. Did you respond with an answer that included information about the blackmail meeting?

A. I wasn't asked about any -- I wasn't asked such a question in the grand jury investigation. I was never asked about any complaint that he may have made to that effect. I wasn't asked about any phone calls.

Q. Were you asked what the other meetings would have been for?

A. Yes, I was asked that general question, first meeting produced the deal after I had told you on Page 55, beginning at line 9, when you asked, "February 1980, the deal is cut, what would have caused you to meet with Wiley Fairchild again before the effective date of the transfer?" I said, "I don't know of any reason. That's why I doubt that I did, but I --" "I don't mean to be obtruse." "How many meetings are we talking about?" I answer, ask "All together?" You said, "Yes," and I said, "I don't know, there was more than two. I don't think that were as many as five or four." You said "Just." I said "Somewhere in that neighborgood. I'd say two to five, probably." That's exactly, I've talked about three here.

Q. Then were you not asked if the first meeting produced the deal, what would the other meetings have been for?

A. I see that question. I see that question at Page 56 on line 3.

Q. Is part of your answer, I don't know of any reason I would have met with him after the transaction was finalized in the first part of 1980, but I can't say for sure, it's possible. At that moment, did you have knowledge in your head about your meeting with Wiley Fairchild when he alleged blackmail?

A. As I told you before, the complaint that he made to me --

Q. Is the answer yes or no?

A. The answer is that you never asked me.

Q. Is the answer yes or no, Judge? Did you have in your mind then when you said you had no idea, you don't know of any reason why you would have met with him, did you or did you not know at that point in time knowledge of the alleged blackmail--

MR. FAWER: I would just object. He's gone to the 7th line of that answer in which he has described meetings that took place after the deal was finalized, and then he picked up and asked -- look just at the middle of Page 13, am I correct?

MR. WEINGARTEN: Your Honor, I think this is an entirely appropriate inquiry.

MR. FAWER: I have no problem.

MR. WEINGARTEN: If he doesn't like my inquiry he makes a speech. I ask permission to proceed.

MR. FAWER: He has a full right to cross-examine, just like I've been afforded. It seems to me when he moves in and suggests to a jury, as if there hasn't been any answer given --

MR. WEINGARTEN: Your Honor, this jury has heard the entire grand jury transcript. I request permission to proceed.

MR. FAWER: May I finish? My objection is, he's being asked at a point he's saying did you know "X". What he's not letting the jury know is that the witness has already described meetings for 8 lines worth of transcript on that very subject. All I'm asking is he be fair. I don't think he's doing it intentionally, so the witness is put, it's put into context when he's asking a question which pulls out from the middle of an answer, that's all I ask.

THE COURT: Well, he can ask his question. Go ahead.

THE WITNESS: My answer to you was that as I stated, that is, that was given to you in the grand jury investigation was I met with him several times. And I related that one time he mentioned that he had overcharged me. And, he thought. And you never asked me the question that you're asking me now at any time in the grand jury, you never asked me any question that related to it. I answered the questions that you asked me, as I thought my answers were responsive, and certainly were truthful, every one of them.

Q. All right. The question I posed before, the objection, was when you gave this response on page 56, you knew that there had been a meeting between you and Wiley Fairchild where in Fairchild makes this blackmail allegation, is that true or not?

A. I knew that, yes. But it was of no moment for the same reasoning I mention to you earlier. It didn't relate to what you were really asking me about, the oil and gas transaction and its relationship or link if any to the Drew Fairchild case, and I answered those other questions you asked me throughout here and answered them.

Q. Was Wiley Fairchild mentioned in the grand jury?

A. Was he mentioned?

Q. Yes, were there questions about Wiley Fairchild?

A. Yes, I'm sure there were.

Q. Were there questions about Bud Holmes?

A. Yes.

Q. And were there questions about Carroll Ingram?

A. Yes. Many, varied questions about all of them, hundred pages of testimony, questions and answers.

Q. Contemporaneous with your grand jury appearance, did you issue a press release?

A. I never issued any press releases, Mr. Goodman may have.

Q. Did he do it with your authorization?

MR. FAWER: May we approach the bench then, Your Honor?

(At the bench:)

MR. PAWER: Once again, this might be relevant; I think once again the attorneys should approach the bench in advance. I don't think that he issued any press release. If the attorney did, he may have done it. Be that as it may, it seems to me you have to have some sort of proffer in which this becomes relevant to an issue in this case. I mean I just don't know that he did it or that he's going to be bound by what his attorney does in talking to the press. I mean I just don't know, I don't know enough about that press release.

Have you ever suggested this is something you were going to use in the case?

MR. WEINGARTEN: I didn't use this.

MR. PAWER: Have you ever suggested to me --

MR. WEINGARTEN: No.

MR. PAWER: Just so we understand it, I had no reason to deal with this problem. I suggest the inquiry as to what transpired is not appropriate in this case. I think -- Your Honor, look at what the press release says. I would like to see a copy, too, at some point.

MR. WEINGARTEN: You don't have it?

MR. PAWER: No, why would I bother?

MR. WEINGARTEN: You don't have that press release?

MR. PAWER: I don't have it in front of me. I don't have it in the courtroom. I don't know what the issue is.

What is its relevance? Is it inconsistent?

MR. WEINGARTEN: No.

MR. FAWER: If it's not inconsistent then how can you use it?

MR. WEINGARTEN: It's his statement.

MR. FAWER: What rule of evidence are you going to use it for, if it's not inconsistent?

MR. WEINGARTEN: I'll show you the rules, Mike.

(Pause.)

MR. WEINGARTEN: I guess you did have it in the courtroom.

MR. FAWER: I didn't though that I did. I didn't know that she had it. What are you offering this for? I'm curious as hell.

MR. WEINGARTEN: Giving notice to the world consistent with Bud Holmes' testimony. He's made a public statement as to what his position is.

MR. FAWER: Could you show me the rule of evidence this is going in on?

MR. WEINGARTEN: Yes, admission by a party opponent.

MR. FAWER: But you're telling me --

MR. WEINGARTEN: I can introduce any statement.

MR. FAWER: If it's not inconsistent. What is its admission --

MR. WEINGARTEN: Admission of any party opponent.

MR. FAWER: He's --

MR. WEINGARTEN: It's --

MR. FAWER: He's on the stand.

MR. WEINGARTEN: I can seek to admit it on --

MR. FAWER: Through what theory of relevance?

MR. WEINGARTEN: His public statement, he's explaing to the world he had nothing --

MR. FAWER: How did that become relevant? What's relevant what he says on that stand and what he says is inconsistent before.

MR. WEINGARTEN: If, we've been to other issues in the case, Bud Holmes' state of mind --

MR. FAWER: Excuse me, how does this go Bud --

MR. WEINGARTEN: Judge issues press release what his position is, that's consistent with what Bud Holmes --

MR. FAWER: You bring that -- listen to what he's doing, Judge. He wants to establish that Bud Holmes got his understanding of what the facts were from reading this or hearing it. The way to do that is through Bud Holmes, not through him. I mean this is simply and wholly consistent with what he said here and I assume Mr. Weingarten just conceded that, am I right?

MR. WEINGARTEN: Well --

MR. FAWER: Are you conceding that?

MR. WEINGARTEN: It's consistent with his position in the grand jury and first statement, which we could have put in, too.

MR. FAWER: What makes this admissible at this point?

MR. WEINGARTEN: It's a statement by --

MR. FAWER: I want to you understand something. So you understand, the rule of relevance is the key rule.

MR. WEINGARTEN: I understand its relevance. The Judge -- obviously it's relevant.

MR. FAWER: Why is it relevant? If the man, let's --

THE COURT: Well, he did make this statement.

MR. FAWER: First, I don't know what his involvement in it is. I think it was issued out of the --

THE COURT: If he made the statement you can ask him about it.

MR. FAWER: Can I, I just think I ought to find out from him how this got prepared.

THE COURT: Well --

MR. FAWER: Okay, no problem.

(Open court:)

BY MR. WEINGARTEN:

Q. Judge, contemporaneous with your grand jury appearance, was a press release issued on your behalf?

A. I remember Mr. Goodman apparently released, had made a press release or gave a press release at some time. I don't remember exactly when it was.

Q. Why don't I hand you what's been marked Government Exhibit 287

A. All right. I think the press can tell you I never made any press release or talked to them at any time during this matter. All right. I think this is, this accurately reflects what I read.

Q. Was Goodman authorized to issue that?

A. Well, he was my attorney, so I assume he was. I don't remember reading it before it was released.

Q. Did he do it on his own or did he do it with your authority?

A. I would assume that he did it with my authority. Made a release.

Q. Was that press release --

A. I would never accuse Bill Goodman of doing anything without some authority.

Q. So it's fair to say he did have authority in this instance?

A. I would guess so.

Q. Was that press release issued?

A. What's that?

Q. Was it issued to the press? Was that release issued to the press?

A. I think this was what I read in the press.

Q. Was it widely covered?

A. I don't know how widely covered it was.

Q. Okay.

A. I read it when it came out in the newspaper, I know.

Q. Okay. Could I see that for a second?

A. What's that?

Q. Could I see it?

A. Sure.

Q. Is it fair to say, among other things, that you denied any, you said through this press release that you had absolutely nothing to do with any phase of the Drew Fairchild case?

MR. FAWER: Excuse me, Your Honor.

MR. WEINGARTEN: We move it into evidence.

MR. FAWER: I would ask it be read in toto. I join in the motion that that be made an exhibit.

MR. WEINGARTEN: I don't have to read it in toto. If you want to read it you can. I can use this exhibit any way I want.

MR. FAWER: Your Honor, under the doctrine of completeness, I have a right when a document goes into evidence, if a portion of it is used, that the jurors, the finder of fact, have a right to hear the whole document at the time.

THE COURT: Well, they are going to hear it.

MR. FAWER: I think they ought to hear.

THE COURT: Or you can bring it out on redirect.

MR. FAWER: My problem, understanding.

THE COURT: I know what your problem is, you want it read now. If he doesn't want to read it he doesn't have to.

MR. FAWER: Withdraw it, I'll take care of it later.

(Exhibit G-28 marked.)

BY MR. WEINGARTEN:

Q. Do you in the course of that press release deny any involvement in the Drew Fairchild matter?

A. I certainly did. And I certainly do.

Q. Now, let's move to February, 1985. Is there an occasion --

A. I think all of your witnesses have so testified. I don't know of a witness who has testified that I was involved, that I can recall who testified in this courtroom. You may want to correct me in that respect, but that's my recollection.

Q. Thank you, Judge.

A. You're welcome.

Q. February 1985, Bud Holmes calls your chambers?

A. What is that?

Q. You're conducting court in Hattiesburg?

A. Yes.

Q. Bud Holmes calls Your chambers?

A. Yes.

Q. And what did he ask you?

A. I don't know. He talked to my secretary.

Q. Did you call him back?

A. Yes, Bud ask I return his call, it was important and I did.

Q. What was the conversation?

A. On the phone?

Q. Yes.

A. He said he wanted to come see me, something very important.

Q. And how did you respond?

A. I told him I've got a jury out deliberating, come on up.

Q. What did he say?

A. He said he'd rather not with lawyers around there. He'd rather me come downstairs.

Q. Did you find that request strange?

A. Somewhat, yes, but knowing Bud Holmes, not as strange as might have been someone else. Go ahead.

Q. How did you respond to that?

A. I asked him why he couldn't come up here and he said he'd just rather not.

Q. And how did you respond to that?

A. He asked -- I think he asked me who the lawyers were in the case and I named them and when I named Frank Montague, I think he came with some explanative about Frank Montague and he didn't like Frank Montague apparently and he said he didn't want him to see him around here. Didn't even want to see him.

Q. So --

A. It was one of the lawyers.

Q. I understand.

A. And asked if I'd meet him downstairs where I parked my automobile always. It was a cool night, if I remember, pretty cool, sat in the automobile rather than standing outside.

Q. Why did you acquiesce to that very unusual request?

A. Why? He said it was very important that's why.

Q. Why didn't you say, Bud, there's nothing that we can't discuss in my chambers?

A. Well, that was what I said. That's what I did. I didn't know what it was about. No way for me to know what it was about until I saw him because he didn't say anything over the telephone what it was about.

Q. So you left your chambers and went downstairs and met him at his car?

A. That's right.

Q. And it was dark out?

A. Yes, the jury went out well after dark.

Q. Was anyone else there?

A. No.

Q. Just you and Holmes?

A. Yes.

Q. In March, 1985, Bud Holmes was indicted; was he not?

A. I think that's when it was. About that time.

Q. And is it fair to say that prominent in the indictment is an allegation that there was a phone call from his farm to Wiley Fairchild wherein you participated?

A. That's what was in the indictment, yes.

Q. At that point, did you contact the Government and say there's a terrible misunderstanding about your understanding about that phone call?

A. Did I contact you?

Q. The Government, anybody in the Government?

A. No. And you didn't contacted me at any time about it either at that time.

Q. At that point?

A. At that time.

Q. Did you seek to come back into the grand jury and say, there's a terrible misunderstanding about this telephone call?

A. Mr. Weingarten, you know if you'd have wanted me back from the grand jury you could have subpoenaed me. No one is above the law or should be above the law and if you had wanted me back at any time, all you had to do was issue a subpoena and you didn't do that and the reason you know you didn't do it I think to be honest is you were intent on indicting me, not having me go back before the grand jury and ask me about that telephone call.

Q. Judge Nixon, you also knew, did you not, that all you had to do was pick up the phone and say I want to appear before that grand jury and just like you volunteered the first time you would have been welcome back?

A. And didn't you know that you could have subpoenaed me? You subpoenaed all other three witnesses back. You subpoenaed Bud Holmes back, you subpoenaed Carroll Ingram back and you subpoenaed Wiley Fairchild back and asked them about that and gave them the opportunity to talk about it, but you didn't see fit to subpoena me back because all you were intent on doing was indicting me and you know it.

Q. Did you volunteer to come back, judge? Did you come back? Did you volunteer to come back?

A. It was quite apparent to Mr. Goodman and me at that time what your intention was that you had targeted me and that you were going to do it me come hell or high water.

MR. FAWER: Excuse me. I sat back and watched it go on. Seems like end up in an argument between the two parties to be untoward in view of the fact that the prosecutor really in effect is a witness to those events.

THE COURT: Well, if the witness wants to answer he can. All he can say he didn't go back.

MR. FAWER: He said that. Anything goes beyond that becomes an argument.

MR. WEINGARTEN:

Q. Did Mr. Goodman communicate to the Government the fact that there was a terrible misunderstanding about the phone call?

A. You'll have to ask him that. Apparently not because he and I were of the definite opinion then what I just stated that you were intent on indicting me. If you wanted me back, what was to prevent you from subpoenaing me just as you had done everybody else. I was not above the law and am not above the law and should not be be above the law but I should be entitled to the same consideration as any other citizens. I should be given the same consideration that you gave the other 3 when you asked them to come back and explain that. You didn't indict Carroll Ingram for it and you didn't indict Wiley Fairchild for it.

Q. Did you communicate to anyone in the Department of Justice other than me that there was a terrible misunderstanding about this telephone call and you wanted to clear it up?

A. Been the same thing as telling you. You were their representative.

Q. You were aware, of course, that there are a great number of superiors above me?

MR. FAWER: Excuse me.

MR. WEINGARTEN: This is perfectly appropriate.

MR. FAWER: You're a witness. We're now engaging in a debate what was communications between a lawyer who's now examining the witness and the witness that is as I understand it the code of ethics untold. You should not have a situation where a lawyer is questioning a witness about facts where there's a potential for that lawyer's own credibility his own awareness of the facts to be involved.

MR. WEINGARTEN: I'm not asking the judge about any conversations he had with me.

MR. FAWER: Not a case of asking conversations. There are accusations that have been made by him concerning your conduct. I mean that's sort of being very clear if they are it's their pitting your conduct against his and the power of this podium is not as I understand it under the code of ethics governing lawyers to be used in that context and I object to that being done in this case. I know the judge can handle himself in terms of this inquiry but it's not proper that he be permitted to go on in this vein.

THE COURT: Overruled.

THE WITNESS:

A. I think I've answered your question.

Q. I want to make sure that you did. You're aware, of course, there are a great number of superiors above me in the Department of Justice?

A. Yes, I would assume so.

Q. You're familiar with the structure in the Department of Justice, or not?

A. Not exactly but pretty much so generally.

Q. You understand --

A. Never made a study of it, never been a part of it but I have a general idea.

Q. Did you ever contact anybody else in the of Department of Justice and claim that there was a terrible misunderstanding about this telephone call?

A. You're the one who was representing the Department of Justice in all this matter --

Q. Can you answer?

MR. FAWER: May he be permitted to finish his answer? May the witness be permitted to finish?

THE COURT: Yes. You can explain.

THE WITNESS:

A. You were the representative of the Department of Justice in this matter. You were the one who was investigating this matter apparently. You were the one who came to see me in the interview in April of 1984. You're the only one I really had ever any contact with directly or indirectly as the dual authorized representative of the Department of Justice and you're the one that was -- you were the Department of Justice with respect to this matter as far as I was concerned. I assume that you had authority from your superiors to be doing what you were doing.

Q. And the reason you never communicated anything was because it was your conclusion that even though the telephone call was completely innocent that we were intent on indicting you?

A. I think I answered your question.

Q. But Holmes pleads guilty in June and basically is it fair to say pleo guilty to lying about the telephone call so as to cover it up?

A. Well, the plea speaks for itself.

MR. FAWER: Excuse me. I would object. There never was a plea to the perjury. They washed the perjury count out.

MR. WEINGARTEN: Object to the mischaracterization. The perjury count was dismissed.

MR. FAWER: The information is in evidence. I'm sure the jury knows what he pled to.

MR. WEINGARTEN: It's a contempt charge that the man pled guilty to. If you will recall 25 years potential.

MR. WEINGARTEN: Object to speech by this counsel in the middle of my cross examination.

MR. FAWER: Only trying to correct the misimpression that you're making.

MR. WEINGARTEN: Making a speech to the judge to prejudice the jury as you've done from the outset of this trial.

MR. FAWER: I think the jury will ultimately make the --

MR. WEINGARTEN: We'll see.

MR. FAWER: The point of the matter is begging Your Honor's pardon for the colloquy between counsel but the fact is being misrepresented. There was no plea to the perjury count. They were dismissed. All 5 of them. Thank you.

MR. WEINGARTEN: I never said perjury. Characterized the charge --

MR. FAWER: As lying concerning the telephone call he did not plead to that.

MR. WEINGARTEN: Your Honor, I request permission to proceed.

THE COURT: Go ahead.

MR. WEINGARTEN:

Q. Was Bud Holmes's guilty plea in connection with the telephone call?

A. I wasn't there. I don't know exactly what took place. If you'll let me see what you're talking about, I'll look at it again and be in a better position to answer your question. You should know exactly what he pled guilty to because you drew the information I assume when you dismissed the 5 felony counts.

MR. WEINGARTEN: Could I have the contempt please? The information. 22.

MR. WEINGARTEN:

Q. I hand you what's been marked Government Exhibit 22.

A. I've read it now.

Q. Were you familiar with the content of the information back in June of 1985?

A. I became familiar with it later when I read it in the newspaper.

Q. Did you read about it in the newspaper soon after the plea?

A. I would think so.

Q. And did you become aware that Bud Holmes's guilty plea had nothing do with a telephone call from his farm?

A. Well, let me read it. It's charged in here that from on or about July 18, 1984 and continuing through March, 1985 that he committed acts of misbehavior in the presence of the grand jury and committed those acts so near to the grand jury as to obstruct the administration of justice and charged that he inquired of others whether they discussed a telephone call with federal authorities so as to be able to tailor his own grand jury testimony and that he testified falsely in the grand jury on February 21, 1985. That the reason he did not advise had grand jury about the previous aforementioned as he said telephone call previously was and in quote it did not come across my mind and quote didn't put any significance to it. And C, refused to disclose the substance of the above telephone call and falsely testified before the grand jury that he could not remember what was said during the call. So he had testified previously under oath that he didn't mention the call because it didn't come across his mind and he didn't put any significance to it and he also pled guilty that he falsely testified one time before the grand jury previously that he could not remember what was said during the call. So apparently he has testified at least two different ways under oath before the grand jury and lied before the grand jury. So to answer your question, I guess that's it.

Q. Judge, when you became familiar with the contents of the information, did you relate it to a telephone call that was made out at Bud Holmes's farm when you were present?

A. According to the news media, I think it was related to that after it appeared in the news media. It seemed like some reporters were getting some information from some source although a gag order had been issued. They sure weren't getting it from me. I don't know where it was coming from whether it was coming from Bud Holmes or somewhere else. I don't know.

Q. Is it fair to say you've been represented in this matter by counsel at least from your grand jury appearance?

A. Yes.

Q. As it fair to say your counsel has been in communication with the Department of Justice?

A. I would think so.

Q. Is it fair to say your counsel prior to your indictment went to Washington, DC on several occasions?

A. Yes. I don't know about several occasions.

Q. Judge, do you ever commute back and forth from Biloxi to Hattiesburg in a day?

A. Oh, yes when I have court up here usually. I will sometimes commute. It depends on whether we have anything to do at home or depends on the health of my family. It depends on what time we finish court in the afternoon for the day and matters of that type, but after a couple of days if I'm holding any extensive court up here, I don't do it because it's very tiring. It's about a 2 hour drive roughly to Ocean Springs because it's about I'd say close to a hundred miles from this courthouse to my home each way and you have a speed limit of course of 55.

Q. There have been occasions when you would leave Biloxi in the morning, take care of some business and come back, take care of some business in Hattiesburg and go back to Biloxi in the same day?

A. Yes. I just explained to you.

Q. Thank you.

MR. WEINGARTEN: Could I have Mr. Holmes's calendar?

MR. WEINGARTEN:

Q. Judge, I hand you Government Exhibit 20 which has previously been identified as a calendar. Ask you to turn to first October 20th, 1982.

A. All right.

Q. Is that a Wednesday, sir?

A. Yes. According to the calendar it is.

Q. Is your name listed as a visitor to the D. A.'s office on October the 20th?

A. Yes.

Q. Did you visit the D. A.'s office that day?

A. 5:00 in the afternoon is where the name appears. I can't tell you whether I did or not on that particular day. Of course, that's over three years ago. I can't relate it to any certain event.

Q. Was that the week of Bonnie and Clydes party for you? Do you recall?

A. Yes. No, it was the week before.

Q. Were you in Hattiesburg holding court for a couple weeks in October?

A. I don't recall. I would be happy to answer it if you'd give me something that I could look at. I'm sure you have some information. If you do, please give it to me.

Q. I thought you might have an independent recollection?

A. I know I was up here during the week of the reception. Whether I was here two weeks or not I don't know. If I was, I was. If the records show that I was.

Q. Show you Government Exhibit 29. Is this a calendar of yours, Judge?

A. Appears to be my handwriting, I don't know many handwritings that are as bad as that.

Q. Okay?

A. Except some bankers I know, doctors.

Q. And prosecutors too, Judge. How about the week of October 18?

A. All right, it shows that I had, quote, on Monday October 18th, Hattiesburg calendar at ten, two weeks.

Q. Do you have an independent recollection of visiting Bud Holmes at the DA's office on October 20th, 1982?

A. No. It's possible I did. I don't know. No independent recollection.

Q. Do you have an independent recollection that you did not?

A. Don't have any recollection.

Q. Would you take a look at Friday, July 10th in Holmes' calendar. I think you're looking at yours, Judge.

A. I'm sorry. July 10th, okay. All right, I see Saturday, July 10th.

Q. I'm sorry, I think it's July 16th.

A. July 16th? All right.

Q. Is your name listed there?

A. Yes.

Q. What time?

A. Three o'clock.

Q. Do you have an independent recollection of visiting with

Bud Holmes on Friday, July 16th, 1982?

A. No, but I don't have any independent recollection. I've told you I visited with him fairly, you know, several times. I've told you that previously.

Q. Is there any way that your calendar --

A. He would visit over here, but we didn't keep a calendar when somebody came by to visit us, of course.

Q. It's possibly you did, possibly you didn't?

A. What's that?

Q. Possible you did visit with him on that occasion and it's possible that you didn't?

A. Yes.

Q. Is there anything in your calendar that helps determine whether that's accurate or not?

A. On July 16th? Says Hattiesburg pretrials at nine-thirty on Friday, July 16th.

Q. And finally, would you look on Holmes' calendar, my writing again is scribbled -- June 20 something. June 24th.

A. Yes, my name appears, two-thirty p. m.

Q. And again --

A. On Thursday, June 24th.

Q. Do you have any recollection of visiting Holmes on that occasion?

A. No. One way or the other, I don't.

Q. Would you check and see if your calendar helps at all?

A. All right. This calendar does not, no.

Q. Does that calendar give any evidence of where you might have been at that time?

A. My calendar does not, no.

Q. Okay. Do you recall any occasion in 1982 when you would have been to Bud Holmes' farmhouse?

A. In 1982?

Q. Yes.

A. I don't know. I could have.

Q. You just don't recall?

A. I don't recall.

Q. Do you recall any occasion in 1982, particularly with reference to the three dates I gave you, or any other occasion, when you would have seen Bud Holmes and Wiley Fairchild on the same day?

A. No.

Q. Do you recall any occasion in 1982 when you would have had contact via the telephone or in person with both Bud Holmes and Wiley Fairchild?

A. I don't recall. Could have, but I don't know.

Q. You could have?

A. I don't know. I don't know one way or the other. If you have any information, show it to me and I'll be happy to look at it, if you have any records of that.

Q. Judge, turkey season in Mississippi is in the spring?

A. Yes.

Q. Is there also one in the fall?

A. No.

Q. Just in the spring?

A. Yes.

Q. Was there ever an occasion when Bud Holmes brought back to his farm some turkeys that you had killed?

A. Yes.

Q. And when was that and under what circumstances?

A. Best I recall it was in 1983. I can't pinpoint the time. I'm not sure about it, it could have been another time, could have been another year, but that's my best recall on it.

Q. How did it come about that Mr. Holmes brought back turkeys to Hattiesburg that you had killed?

A. I've been trying to think about that since you had asked me about it, since I was asked about it, and I never did go turkey hunting with Bud Holmes to Warren County, we never went together. I think I was up there and he came up with someone else, but I think he came up to fish, because Bud Holmes couldn't turkey hunt. He doesn't have the patience. He doesn't care or know a thing about it. He bird hunts, he's an avid bird hunter, and I think that's about all, but as far as deer or turkey hunting, if I would turkey hunt with Bud Holmes, I would want to put on him the other side of the turkey from me. He would certainly chase the turkey over to me.

Q. Might be dangerous if he shoots, Judge.

A. Who, Bud?

Q. If he's shooting at the turkeys.

A. I don't think he would ever get close enough, let a turkey get close enough to him to get a shot at it.

Q. What caused Bud to bring back turkeys for you?

A. I don't know. I seem to recall I left early for some reason, I don't know, either I left early, I had killed the turkey the last day I was there and was leaving, the turkey hadn't been cleaned or something. I don't recall exactly what it was. So he was going to bring it back, I was going to pick it up on my next time I was in Hattiesburg or came through sometime later, I don't know when. I don't think there was any specific time.

Q. Did that in fact happen?

A. Yes.

Q. And when was that?

A. My best recall was it was 1983.

Q. Would it have been before or after the Hank Williams incident when you were out at his house to get the records?

A. Best I recall it was sometime in the first half of 1983, but it was not the time I went out to get the Hank Williams records.

Q. How certain are you that it was in 83? Could it have been in 82?

A. I don't think it was.

Q. You certainly --

A. You asked my best recall and that's my best recall.

Q. You turkey hunt every year when you can?

A. Yes, I do -- I don't hunt in all these places I mentioned to you every year, I wouldn't have time to. It varies from year to year, and I might go a few times. I love, that's really my way to relax. I guess some people relax fishing, and some relax doing other things. I grew up hunting with my dad, and I love it, I love the camaraderie, being with people I hunt with. I love to get out into the woods where it's quiet, and I love the challenge of the hunt.

Q. The date now, Judge. You can't be more specific to as to the date of the turkeys?

A. No.

Q. There was an incident, however, when turkeys were killed, Bud brought them back to your house and picked them up?

A. I thought I answered that question. If you want me to answer it again, yes.

Q. Was there an occasion when you visited Bonnie and Clyde's with Bud other than the party in October, 1982?

A. Yes. I told you that yesterday.

Q. I don't believe you told me.

A. I might have told Mr. Fawer then when I testified here already.

Q. How many occasions have you gone to Bonnie and Clyde's? More than two?

A. I'd say possibly. Not many more.

Q. On every occasion was it with Bud Holmes?

A. I don't believe so.

Q. On any occasion was it with Bud Holmes?

A. Yes.

Q. How many occasions with Bud?

A. I don't know.

Q. Well, how many can you recall, what can you recall right now as you sit on the witness stand?

A. I don't recall exactly, Mr. Weingarten. It wasn't many. I think it was probably more than one, though.

Q. When would it have been?

A. When, I don't have any dates. I know I was, I can't sit down and remember a date I went there.

Q. What would have caused you to go to Bonnie and Clyde's with Bud Holmes?

A. He and Jim Dukes owned Bonnie and Clyde's. When they would want to go have a drink after work or something, and a snack or something, that's the logical place. Also it was a nice place I thought.

Q. You had gone with Bud to Bonnie and Clyde's more than once?

A. Yes.

Q. Did you ever go to Bonnie and Clyde's with Bud from his home?

A. I don't know. It's possible that I did. I don't remember any circumstances that I would have, however, because his home was out in the country, but it's possible.

Q. It's possible that there would have been an occasion you were out at his farm and the two of you came back into town and went to Bonnie and Clyde's?

A. It's possible.

Q. Do you remember an incident, do you remember being at Bonnie and Clyde's an occasion when you later learned that there had been an altercation?

A. I think I do. I heard it later, yes.

Q. What did you hear?

A. I heard that there had been an altercation.

Q. Involving who?

A. Involving Bud's girl friend and his secretary.

Q. And did you learn, or did you hear, excuse me, that the altercation had taken place on the same evening when you were at Bonnie and Clyde's?

A. I don't know whether I recall that or not. I don't want to tell you one way or the other. It may well have been, but I'm not sure.

Q. What do you recall?

A. I remember that I had heard about an altercation in Bonnie and Clyde's involving his girl friend and his secretary. I don't recall it having happened when I was there, though. I know it didn't happen when I was ever there, and I don't know whether I was told it happened after I was there or not, on the same night or anything like that.

Q. How do you associate it? When did you hear this information and who did you hear it from?

A. Gee, I think it was quite common talk around Hattiesburg.

Q. Do you know when this was?

A. Best I recall it was 1983.

Q. Why do you recall that?

A. I just recall that because it wasn't that long ago.

Q. Same way you recall the turkeys in 1983?

A. I don't know what you mean.

Q. Well, the same power of recollection that places the turkeys that Bud brought back in 1983?

A. It's difficult to remember at this time whether something happened in what year, but that's my best recall that it was in 1983.

Q. And do you recall that you would have heard about the altercation on an occasion when you were in Bonnie and Clyde's?

A. I don't recall that I did. You mean when I was in Bonnie and Clyde's one time someone told me Bud's secretary and girlfriend had had a fight there?

Q. No, that you received this information that there had been an altercation on the same evening, but after you left?

A. I don't recall that.

Q. Judge, would it be proper for a federal judge to influence a state prosecutor to go easy on a drug smuggler because the judge had a financial relationship with his father?

MR. FAWER: Let me just -- you know, I know the Judge can handle himself. What has that got to do with this case?

MR. WEINGARTEN: Everything, Your Honor.

MR. FAWER: So wait, so we understand. He's putting a question to the Judge concerning the propriety of trying to influence a state case, Judge. He knows that can't be the official act in this case, so I would suggest it's doing nothing more than trying to walk an argument he wants to make to the jury before them. As I understand the law as Your Honor is giving it, that can't be a crime as alleged in this indictment.

MR. WEINGARTEN: It certainly can be a motive.

MR. FAWER: Excuse me, a motive?

MR. WEINGARTEN: Motive. You might have heard of that.

MR. FAWER: My name is Mr. Fawer to you.

MR. WEINGARTEN: I'll call you anything I want.

MR. FAWER: Could we have a little more decorum from the gentleman?

THE COURT: He can show that for the purposes of showing intent.

MR. FAWER: I understand that, that's my point. I suggest that solely for that reason and therefore Your Honor needs to give a charge at this point, or at least advise the jury that any discussion between the judge and someone like Bud Holmes, not suggesting it occurred, there was any discussion about the case, but should it have occurred that couldn't be a federal crime. They need to know that.

THE COURT: Well, I think you've told them now on several occasions.

MR. FAWER: So long as Your Honor acknowledges that is the law.

MR. WEINGARTEN: Would you like me to repeat the question?

THE WITNESS: Yes.

BY MR. WEINGARTEN:

Q. Would it be proper for a federal judge to influence a state prosecutor to put in a good word with the state prosecutor on a drug smuggler's case because the judge had a financial deal with his father?

A. That a hypothetical question?

Q. Is it a hypothetical, Judge?

A. I'm asking.

Q. Isn't that exactly what you did in this case?

A. Absolutely not. You know I didn't.

Q. Isn't that exactly what --

MR. PAWER: I want --

THE WITNESS: You know I didn't.

MR. PAWER: Excuse me, sir.

THE WITNESS: That is a lie.

MR. PAWER: May I get between here someplace? Judge, I know it's nice to end up with a good question; it seems to me it's simply argumentative.

MR. WEINGARTEN: Your Honor, the fact Michael Pawer is objecting to a question because it's argumentative is breathtaking.

MR. PAWER: Breathtaking of have you lost your breath?

MR. WEINGARTEN: Takes my breath away.

MR. PAWER: Then I withdraw my objection, because obviously there is no more breath to use for the next question.

MR. WEINGARTEN: No further questions.

THE COURT: Redirect?

MR. PAWER: Thank you, Judge.

REDIRECT EXAMINATION

BY MR. PAWER:

Q. Why don't we begin by reading, can I read Government Exhibit 28 to the jury, please?

MR. PAWER: Ladies and gentlemen, this is dated, statement of Judge Walter L. Nixon issued by William Goodman at Hattiesburg, July 19, 1984, one p. m.

BY MR. FAWER:

Q. First of all, Judge Nixon, you testified on July 18th, am I right?

A. Yes, that's my recollection.

Q. And immediately upon -- you had come in from a vacation with your family, is that correct?

A. Yes.

Q. Did you return to that vacation?

A. Yes.

Q. That same day?

A. Yes.

Q. So on the 19th of 84, where were you?

A. I was in Destin, Florida.

MR. FAWER: Okay. Reads as follows.

(Reads Exhibit G-28.)

BY MR. FAWER:

Q. End of statement. Let me just turn to a few other subjects. First, with respect to -- with respect to the information that you looked at, when I say the information, the bill of information filed against Bud Holmes in 19, June of 1985, is that right?

A. Yes.

Q. Does that information, even that information make clear that Bud Holmes, even in February of 1984, had been called back and had been given an opportunity to respond to questions concerning that telephone call?

MR. WEINGARTEN: Objection. Leading, Your Honor.

MR. FAWER: You're right.

BY MR. FAWER:

Q. From the -- did, Judge, according to that bill of information, that Mr. Weingarten questioned you about, was Bud Holmes brought before the February 21st, 1985 grand jury?

A. Yes.

Q. And was he, according to that information, questioned specifically about the telephone call?

A. Yes.

Q. Thank you. Were you ever given the same opportunity? Yes or no?

A. No.

Q. Thank you. You've been asked a couple of questions, let me clear this up before we go on. You indicated that on occasion when you were sitting in court in Hattiesburg you would commute, is that correct?

A. Yes.

Q. By commuting, when would you mean -- when would you leave from Biloxi?

A. I'd leave in time to get here to start court, nine, nine-thirty or ten o'clock. In other words, I'd have to leave no later than eight o'clock, and usually earlier than that, have to get up quite early to get everything ready.

Q. When you say commute, would this be during a period when you would be sitting during a period of two, three, or four days?

A. Yes.

Q. When would you return in the evening?

A. After court, whatever time we recessed for the day.

Q. If you were not sitting in Hattiesburg, do you ever recall coming up to Hattiesburg just for the day in a non-court setting?

A. I don't recall that.

Q. Okay. Go ahead --

A. I've come up for doctor's appointments at times or dental appointments.

Q. What's the name of your dentist?

A. Doctor, I had Dr. Lowrey Faler was my periodontist.

Q. Aside from that, any other time that you can ever recall doing it?

A. No, unless I was passing through.

Q. I wasn't talking about that?

A. No.

Q. I asked you specifically, Judge Nixon?

A. No.

Q. Whether from Biloxi to Hattiesburg you returned?

A. No.

Q. Just turned to what you raised. I take it however on occasion any time you were traveling one of the more distant locations, you would pass through Hattiesburg?

A. That's correct.

Q. Without belaboring it on May 14th as I understand it, the court record places you I think it's Defendant's Exhibit 30 hearing motions at 10:30 in the morning in Biloxi; is that correct?

A. May 14, 1982?

Q. 82.

A. Yes.

Q. You testified the rest of your day was spent in preparation for the asbestos litigation beginning next Monday?

A. Yes.

Q. Did you spend any time that day in Hattiesburg?

A. No.

Q. That would have necessitated a 2 hour trip to Hattiesburg and returned that day?

MR. WEINGARTEN: Object to leading questions

THE WITNESS:

A. Yes.

Q. Would that have necessitated a the 2 hour trip from Biloxi to Hattiesburg?

A. Yes. Two hours each way approximately two hours.

Q. Do you have -- I understand that you do go turkey hunting on a rather regular basis in the spring of each year, correct?

A. Not regular basis but I do go whenever I can get away and I usually try to block some time off to turkey hunt during that 6 week period.

Q. 6 week being March and April period?

A. Yes.

Q. Of each year. This occasion that he --

A. 5 or 6 weeks. I don't remember which.

Q. Those are the parameters of the turkey hunting season?

A. Yes.

Q. During the cross examination and in fact on direct, you mentioned that there was an occasion when Bud Holmes took a turkey home for you and kept it; is that correct?

A. Yes.

Q. Was there any reason -- tell the jury if there was any reason why you had to rush that you had to get that turkey within a certain period of time?

A. No, as a matter of fact, I think it was a pretty good while before I did.

Q. Where was the turkey being -- what condition was the turkey being kept at Bud Holmes?

A. Freezer.

Q. You think you got it the same year?

A. I think so.

Q. About how many months after?

A. I don't know but it was a pretty good while.

Q. And your best understanding of what your best recollection of what year that was?

A. 1983.

Q. Two other points. As I understand, you described without going over it you believe that your first meeting with Wiley Fairchild was sometime shortly after the verbal agreement had been entered into in 1980; am I correct?

A. Yes.

Q. You've heard Carroll Ingram testify here?

A. Yes.

Q. He as I understand it places that conversation or that meeting sometime shortly after the --

MR. WEINGARTEN: Object to endless stream of leading questions. Mr. Fawer knows better.

MR. FAWER: Excuse me, Your Honor. It is leading but that is simply setting a predicate for the question and I don't think there's any dispute is there that's what Carroll testified to.

MR. WEINGARTEN: I object to leading questions.

THE COURT: Sustained.

MR. FAWER: That's fin..

MR. FAWER:

Q. Tell the court when did -- was your understanding of what Carroll Ingram stated the date was of the first time he introduced you to Wiley Fairchild face to face?

A. As I recall, Carroll's testimony was to the effect that he thought -- he wasn't sure that it was either shortly before or shortly after the formalization of the agreement in 1981. The written agreement. After it had been reduced, that is after the agreement had been reduced to writing.

Q. With the exception of the dating of that, as far as you recall was there any difference in what your recollection was and his with respect to what took place at the meeting?

A. No, not that I perceive.

Q. With respect to backdating, you're a judge federal court, right?

A. Yes.

Q. You are also a lawyer in Mississippi?

A. Correct.

Q. Under the law of Mississippi is backdating a perfectly appropriate legal act?

A. Yes, definitely.

Q. Are there cases to your knowledge that so hold?

A. Yes. I don't recall the style of the cases offhand but I have -- there are cases that have so held. Mississippi Supreme Court opinions.

Q. When you said the style of the case, that means the name of the case?

A. Yes, name of them. I'm sorry.

Q. That's all right. One other thing. You indicated I think Mr. Weingarten started his questioning by showing you your I believe it was your net worth?

A. Yes.

Q. For Defendant's Exhibit 40 for -- I take it back your financial statement, private financial statement you submitted to the bank as of December 31st, 82, correct?

A. Correct.

Q. And from what I understand, you testified that the -- let me just sidetrack for a minute. Are the judges disclosure reports that we have entered into evidence Defendant's Exhibit 40 I think and 38 each year are those made public?

A. Yes. As I previously stated, a copy of them, executed copy is required to be filed with the clerk's office of the district court. In our district it's in Jackson. They are public record for anybody to see who wants to go look at them and the news media does go and look at them every year which I think is good. They report the judges' assets. All the judges' assets and liabilities and they rank the judges for some reason rank us with relation to who is the wealthiest and who is the poorest and I think the last such report that I saw was no longer than a month ago I think when Ms. Guth Ingram reported this in the Sun Herald in Biloxi. The local paper.

Q. I take it that is a degree of publicity that comes with being a federal judge? I mean the average private citizen doesn't get rated that way; is that correct?

A. Yes.

Q. Let me just show you this document for a minute. It's this financial statement in which as I understand you're familiar with financial statements you submit them to banks, right?

A. Yes.

Q. This financial statement is a little different format than the one that goes to the Government?

A. Yes, that other is a financial disclosure report. It's different. It's not the same as a personal financial statement.

Q. And as I understand it according to this, Mr. Weingarten was pointing out that your net worth was $723,000 and change according to the statement?

A. Right.

Q. Are you enough of an accountant or enough of a business background to know what the definition of net worth is?

A. Yes.

Q. What is net worth?

A. Net worth as I understand it is the difference between your assets and liabilities.

Q. Does --

A. Either have a minus or a plus net worth.

Q. Go to the head of the class.

A. Thank you.

Q. Does net worth in any way reflect the cash available to an individual?

A. Definitely not.

Q. When I say that, the 700, okay. I withdraw that. Do you on this document break down -- the jury will have the document in evidence which are the assets which are liquid which would mean readily convertible into cash, right?

A. Yes.

Q. And which are not?

A. Yes.

Q. I've looked at this document and with the exception as I see it you have on it real estate. That is an asset you had, right?

A. Correct.

Q. And the value there is reflected as $322,000, right?

A. Yes. 500.

Q. Let's round it out.

A. All right.

Q. There are a couple or automobiles, two or three automobiles?

A. Yes.

Q. That's 33,000 you have there?

A. Yes.

Q. You have other assets which I have -- on a schedule, correct?

A. Correct.

Q. Reflecting personal property such as household furniture, correct?

A. Yes.

Q. And an interest in a building called Nixon Enterprises; is that right?

A. Yes.

Q. That's a building you've been trying to sell for a number of years?

A. Yes.

Q. That is not cash? That's a building, right?

A. That's correct.

Q. And that you in addition have life insurance cash surrender value of 39,000?

A. Yes, if I wanted to cash it in.

Q. The only other thing as I see it is your -- excuse me, the oil and gas investments are included in the 342, right?

A. Correct.

Q. Those 4 investments that we're talking about; is that right?

A. Yes.

Q. When I say the 4, the Fairchild investment, the Pattison investment, the Point Coupee investment and the Geo Southern at that time?

A. Yes.

Q. And in addition to that, you have approximately just under 99,000 in stocks that you mentioned the drug stock and the bank stock you got from your mother's estate, right?

A. Yes.

Q. Is it fair to say or you tell us is all of that in basically with the exception of the stock in nonliquid assets?

A. What we talked about, yes.

Q. How much did you have in the bank?

A. $23,412.38.

Q. So do I understand correctly that which is not in hard assets in terms of tangible property, all you had was your bank account at 23,000 and the stock which was paying you some dividends; is that right?

A. That's correct.

Q. The rest of it is all land or other personal; is that right?

A. That's correct.

Q. And turning to the other side of the page, you had loans and liabilities of over 136,000; is that right?

A. Yes.

Q. So there was no $700,000 available to educate your children, was there?

A. I should say not.

MR. FAWER: Excuse me one moment, Your Honor.

THE WITNESS: I might say, Mr. Fawer -- all right.

MR. FAWER:

Q. Judge Nixon, just one final question. You've already testified concerning each of the counts in this case. As you sit on this stand, do you view in your own judgment any of the conduct you engaged in in terms of being in the oil and gas venture anything you did thereafter in this matter as having been improper?

A. No I don't.

MR. FAWER: I have no other questions. Thank you.

MR. WEINGARTEN: No further questions, Your Honor.

THE COURT: Thank you, sir. You may step down.

MR. FAWER: Your Honor, I think there are some documents that need to be just offered in evidence. I don't think there's any problem beyond that.

THE COURT: We'll recess until 1:30. The jury may go ahead and retire while we take the documents.

(Jury out).

MR. FAWER: Judge, we would offer at this time Defense Exhibit 38 which is the Nixon financial disclosure report for 1980, 39. A list of his other oil and gas investments, 40, disclosure report for 81, 41 which is a disclosure report for 82, 42, Defense Exhibit 42 which is the clerk's record of March 10th through 11th, 1983 in the case Chico Versus Patterson. The rest I believe are all everything else is in. And the only thing we need to do is simply I think Defendant's Exhibit 32 we ask to substitute. This is the telephone call from Pat McMullan. And for the record, since the newspaper seemed so intent on reporting this there was an error made by me. I alluded to it used his name. He has a brother named Paul McMullan. And I used the name Paul McMullan questioning the witness rather than Pat which resulted in 2 box headlines in the paper, the Hattiesburg paper and apparently just want to go on record saying it was Pat McMullan not Paul. My slip of the tongue. Everybody recognized it at the time. It has no bearing in the case. But in any event, we had agreed that the exhibit would be just this limited portion that conversation Defense Exhibit 32. We would ask that we substitute that limited portion for what went in and the same thing for 32-A which is just the limited portion of the telephone conversation of that day be 32-A. What we have on 32 is the tape of 32-A.

MR. WEINGARTEN: What was 32-A originally?

MR. FAWER: Much longer transcript?

MR. WEINGARTEN: The whole transcript of the call.

MR. FAWER: I don't know. The whole whole transcript a much longer portion.

MR. WEINGARTEN: I think so.

MR. FAWER: I don't mind it you got some other -- you're talking about the whole call.

MR. WEINGARTEN: I want to see what 32-A was originally.

MR. FAWER: Sure. Just the vulgarity of it. That's what they talk about what they do at the farm. If you want that that's fine.

MR. WEINGARTEN: I do.

MR. FAWER: That's fine.

MR. WEINGARTEN: We'll agree.

MR. FAWER: We'll take care of working it out.

MR. WEINGARTEN: Something will be admitted and be 32-A and be a transcript.

MR. FAWER: That's fine.

THE COURT: Do you have any objection of the exhibits?

MR. WEINGARTEN: No. Move into evidence 27, 28 and 29 if I not already have.

MR. FAWER: Let me see what they are.

MR. WEINGARTEN: 27, 28 is the press release and 29 is the calendar.

MR. FAWER: 27, 28 is his calendar.

MR. WEINGARTEN: No.

MR. FAWER: I mean 29 is his calendar, right? And what was the other thing?

MR. WEINGARTEN: the press leases.

MR. FAWER: I have no objection.

THE COURT: They may be received. Is that all of your exhibits?

MR. FAWER: I believe so. That will take care of all the exhibits. There is something we want to talk to him about. Let's discuss it before I rest. That's fine. Mr. Weingarten wants us to have some discussion in chambers if that's satisfactory unless you want to wait until we come back.

THE COURT: Does the defendant rest now?

MR. FAWER: It concerns this issue -- the defendant is prepared to rest. There may be some question that is raised in this issue which I'm aware that Mr. Weingarten wants to discuss with the court that could impact on that decision. I don't think it will, but I think my answer to you is going to be yes that we'll rest as soon as we come back.

THE COURT: All right. Let's go.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

UNITED STATES OF AMERICA

V. CRIMINAL ACTION NO. H85-00012(L)

WALTER L. NIXON, JR.

BEFORE: The Honorable James Meredith
Senior United States District Judge

DATE: February 4, 1986

PLACE: Hattiesburg, Mississippi

VOLUME 18

GOVERNMENT RESTS
DEFENDANT'S MOTION FOR JUDGMENT OF ACQUITTAL

DAVID A. SCOTT
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(February 4, 1986:)

(Open Court, Jury present:)

THE COURT: The government may proceed.

MR. WEINGARTEN: Your Honor, at this time the United States has two stipulations to announce. I believe it's stipulation three.

(Stipulation 3 read.)

We move into evidence Government Exhibit 24 and 25.

MR. FAWER: No objection.

(Exhibit G-24 marked.)

(Exhibit G-25 marked.)

MR. WEINGARTEN: Stipulation number 4 between the parties.

(Stipulation 4 read.)

We move into evidence Government Exhibit 26.

MR. FAWER: No objection.

THE COURT: Both may be received.

(Exhibit G-26 marked.)

MR. WEINGARTEN: Thank you, Your Honor. At this time the United States rests.

(9:47 a. m.)

BY THE COURT:

Ladies and gentlemen of the jury, at this point the lawyers have some matters to take up with the Court outside of the presence of the jury. In order to conserve your time, we're going to ask the exhibits which have been received in evidence, both the government and the defendant's, be taken by you to the jury room. Look at these exhibits, but don't discuss them. Wait until the defendant has finished his evidence and then you can discuss them. But don't discuss them at this point.

(Jury leaves.)

THE COURT: Mr. Fawer, you filed a motion for judgment of acquittal. Would you like to argue that?

MR. FAWER: May I be heard, Your Honor? Bear with me one moment, Your Honor.

Your Honor, at this time, as Your Honor points out, I have filed on behalf of Judge Nixon pursuant to Rule 29 a motion for judgments of acquittal on each of the four counts in this indictment. I don't think there is any issue but that for the one time in this courtroom Your Honor at this time must sit as a finder of fact, as a trier of the facts, not just as a ruler on the law, and must determine whether any reasonable juror could find guilt beyond a reasonable doubt on the facts adduced this far in the case, accepting all evidence or all inferences to be drawn in favor of the government, and viewing the government's evidence in the light most favorable to the government.

We propose to show you, Your Honor, it is, if ever there was a case, this is a case that should be dismissed.

Let's deal first with Count I. If ever there was a case mandated of dismissal, this case mandates it. Under 201, the government has come in here and suggested that, just reading from their indictment -- if any time I should be in error, please point it out. They basically in the charging paragraph say Judge Nixon "unlawfully and knowingly did directly and indirectly, accept receive and agree to receive things of value for himself otherwise provided than as by law for the proper discharge of his official duties; to wit, certain royalty interests in three wells, from Wiley Fairchild, for and because of official acts to be performed by --" him "in the future in matters of interest ~~to~~ Wiley Fairchild."

They have an obligation, they have taken unto themselves the, as they must, the obligation to show that the royalty interests received, admittedly received by Judge Nixon, were done with his having some intent to exercise some official act in the future -- even though it be undetermined, we will accept that -- and that there is a nexus between the two. I think it's important we look at the statute.

The statute, they have tracked the statute in what I have just read, but that thing of value has to be, this is what Congress said, for or because of any official act performed or to be performed. It means the state of mind at the time of the receiving, at the reception, must be with the understanding, with the intent that he will be willing to be influenced sometime in the future with, for or because of any official act to be performed by him.

What's an official act? The statute is perfectly clear on what it is. It's not a bottle that we can fill up at will. It's under Section 201(a), it says, "means any decision or action on any question, matter, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official in his capacity, or in his place of trust or profit." Their obligation is to show there was something in his mind -- Your Honor, if you disagree, I please ask you to tell me that. His mind has to be such, let's say, I don't -- say February 81 -- it makes no difference. Let's just say February of 81, that's when the documents are received -- that in February 81, when he received it, he was doing it with the understanding or the belief that sometime in the future he was going to do something in his federal capacity, his official capacity, of benefit to Wiley Fairchild.

I mean I'm going to go into the evidence, but I -- it is inconceivable that there is anything in this record to suggest that, and the government even has the audacity to be in this courtroom on that count. I can understand the perjury count, I can understand it because we're dealing with something said in the grand jury, question of whether he recalled it, what did he think; it is understandable to be subject to some dispute. But they have known the facts in this case since they for two years now, and there is not a single, a single fact to support their thesis.

We know that they haven't got a shred of evidence that Judge Nixon was asked or was -- had anything in mind other than a perfectly legitimate investment when he received those oil and gas royalties. Ingram testified that he was asked to invest, Judge Nixon asked him to put him in touch with Fairchild. The bottom line of Ingram's testimony is the whole deal was perfectly proper, clearly unrelated to Drew Fairchild. They don't even argue Drew Fairchild any more. Why that's in the case under 404(b) -- everybody really knows Drew Fairchild had nothing to do with it. In all fairness, their indictment is phrased as if it was; that's what they thought before they were educated in the facts of this case, but what the facts really are is that you have Ingram never saying a word to the Judge that it was illicit, unethical -- who cares if Ingram is reluctant? What has that got to do with anything? He's explained his reluctance, but who cares? The Judge had the right to make that request of him.

Ingram brought that perfectly proper request to Fairchild, Fairchild picked out the property, set the price, set the acreage, set the financing terms. You heard the testimony of Ingram, this is their witness. The Judge was willing to finance it, Ingram, excuse me, Fairchild said he doesn't have to go to the bank, I'll finance it, charge the interest. There is not a suggestion that the Judge had anything to do with the setting of any of the conditions, except that he had to pay the money that was asked of him.

On the issue of value, there was not a word mentioned. The only person who set the price was Wiley Fairchild. He so said himself. And we had this testimony yesterday, it's wonderful 20/20 vision, five years down the road as to what that price was by a gentleman, I mean, you know, it was a little laughable about that testimony. It was the one time I enjoyed myself. It was just a lark. I guess at the end they thought they might throw me a bone, maybe I ought to have a little pure fun in the courtroom. That man gets on the stand, knows that the whole thing is a pure gamble, knows it's a play just the way a play is at the gaming tables, admits he didn't realize they didn't have the logs, without all that information, Wiley Fairchild himself didn't have an understanding of the value, or had no way of really knowing.

Putting all that aside, how was Judge Nixon to know it? Judge Nixon has no awareness of what the actual value is, he's simply there relying on Ingram and Fairchild, just as you would on a broker of a discretionary account to put him in the investment. Of course he's a federal judge. What's wrong with being a federal judge and making an investment? I don't understand their logic.

The testimony of Wiley Fairchild, I mean I wish that I had adduced that testimony. It was if I had the burden of proof. Wiley Fairchild says that oil and gas deal is perfectly proper. Not only that, he admits, it's a little, you know, you almost could end up crying for that man. You know and I know that old man, with all due respect, pled guilty because somebody told him there is something -- in his mind, selling too cheap. No intent, he never intended to do anything wrong in any way, he wasn't in there thinking of any favor he was going to get, but some lawyer, according to him, at least these lawyers, convinced him that's a crime. Selling too cheap. But he had no intent, his testimony is he had none.

Now if he had none, he communicates none to Ingram, Ingram communicates none to the Judge, where is the evidence? Where is the connection, the link between his receipt of this thing of value and his willingness to do something for -- for and because of an official act to be performed by Judge Nixon in the future in matters of interest to Wiley Fairchild. How do we get something into that bottle? The answer is you don't. The answer is you just simply don't.

Let me just point out, two things I want to point out to you about this count. You know, I look at this, you could retch when you look at it. I don't mind creative fiction; what troubles me, I guess it's -- I guess Your Honor is sitting there in a little more sensitive position than you ordinarily do. You don't really have to worry except in a case of fairness when you're dealing with a bank robber or somebody in tax evasion. You're sitting as a federal judge, and like it or not, you are a peer of the defendant in this case, but look what they're saying in this case. Look at what they're doing to the balance of power, according to their theory in this case. Let me read from their statement, what it comes down to, quote, Page 13. Cast in terms of the facts of this case, quote, the government must in essence prove that this transaction was, quote, a sweetheart deal, close quote, given to Nixon because he was a judge rather than an arm's length business transaction and that Nixon knew it.

I think I've dealt with the issue of Nixon knowing it. Let's deal with what they're saying for a minute. Look at the horror that this is going — look what they're doing. You can't take a gift, Judge. If I come up to you tomorrow at the end of this case, regardless of the outcome, and say, Judge Meredith, we've never met before, but I think you're one terrific federal judge. I want to give you 50 thousand dollars because you're a federal judge. Can you accept it? According to them, you can't. You can't.

There is a book, it's called the Code of Judicial Conduct, and I don't know if they have ever read it, but it says on a page in this book that you are allowed to accept a gift of any amount over a hundred, so long as you report it.

How are we going to square those two doctrines? I can give you the fifty thousand, but if I give you a piece of property which they view as undervalued, they view, the executive branch of the government views as undervalued, you're going to the slammer. That's their thesis. It's insidious.

You're going to make rules, you're going to make judgments in cases in which they are a party, they don't like it, if they don't really like it, they are going to take a look to see whether you have received any gifts, and if maybe the value is a little less, somebody gave you a gift -- or didn't give you a gift, entered into a transaction where you got the better part of the transaction. They can look into that, they can start a grand jury, they can call all your associates in, they can question them. They have walked so far away from what this case started out for that it is a joke, except we're, we're at this case at this table right now and it is not a joke. I have waited and waited and waited.

We know they were -- we know that they decided to try the case backwards because the man with whom this all started, Carroll Ingram, was going to bury them as he did yesterday on the bribery case. I mean he didn't just put nails in the coffin, he dug a hole so deep this case doesn't deserve to see the light of day.

The transaction took place in 79 and 80, a year, seven months before there was a Drew Fairchild. Seven months, the hand shake, the backdating, everybody, Wiley, Carroll, all say it was legitimate. No, there is somebody. They drug up a Jarvis who knew nothing about it, never once met this man, never had a word to do with him, has an axe to grind against Wiley Fairchild, and the federal government has the audacity to bring that paranoid schizophrenic into this courtroom and try to convict him on that testimony, and if you don't think that's angry, I am. But that's supposed to be my government and our government. That's what's going on in this courtroom. If saving face is what it's all about, I'll be willing to step back and save face, but not at the expense of this man in this courtroom. But that's what they point to, some suspicion on the part of Jarvis. Carroll Ingram, I mean basically laughs at what Jarvis says. Wiley in the phone conversation puts the lie to him, the taped phone conversation. Where, I beg them to tell us where the evidence is to support what they have, supposed to have in this case, an official act in his mind that he's going to do in response or in exchange. Where is their evidence beyond a reasonable doubt that a reasonable juror could hold onto?

You've got to make that judgment call at this point. You know it, you've been making it for years. I don't know that you've ever sat in a situation where their thesis so impacts in a sense personally on you. I'm not trying to put an additional burden on you, I'm just trying to point out, this is what they're saying it is all about. If on the one hand you're allowed to take a gift, but as a federal judge, wearing your robes, go see the guy, gives you the check, and you can take it and the Judicial Ethics Committee says it's perfectly proper, except head hunters are going to come by, instead the guy is giving you -- you have a transaction, they think it's undervalued, they can come in and say you committed a federal crime. I've gone on long enough on this one. I mean if ever a case in my experience deserved to be dismissed at this point, it's this one on this count.

I'll move on. Unless Your Honor has some question, I'll move on to the perjury count.

First, Your Honor, two things on the perjury. Your Honor, I guess you know by now that I have -- by nature I am not calm-tempered. I would hope that some, at least some small amount of intellect comes through with the heat. I apologize for raising my voice in the courtroom. But I do take these issues very seriously. I don't think -- I think you are in a sense at a cutting edge, we're at the cutting edge of some issues that go far beyond a question of a defendant in a criminal case. I spend too much of my life and sweat and tears defending them, but we are at a cutting edge. They are simply saying that separation of power has nothing to do, the Constitutional separation of power is meaningless. The code, all these rules are sort of down the drain, the only thing we want to concern ourselves with, so we stretch the case, we look at evidence and take it another step.

Sort of back up a minute, but the Evans case is about as far as anyone could see -- I don't think Evans is good law. I don't think it is a well-reasoned, thought-through decision. I think it's a lot of sloppy language in it. That doesn't mean the Court was doing anything improper, I just thought they used some sloppy language. Taking Evans at its best, the Gordian knot between his mind at the time of the receipt and the official acts, they link it, as we pointed out in some early motions, we pointed out again. Enough said about that. Let me go on to the perjury.

First of all, it seems to me, Judge, when we deal with perjury, perjury is a unique crime. It is not a favored crime by the courts for very good reasons. Frankly if you look, I assume Your Honor has read the Bronston case, it's the last serious consideration of the perjury statute, perjury statute by the Supreme Court about ten years ago, a little over ten years ago. The Bronston case says -- they went through why you must deal in perjury in ways different than other crimes, I don't want to repeat them.

But there are reasons the onus is always going to be on the prosecutor if terms of tying down the witness. We're not going to prosecute because they are sloppy in their questions, because there is perhaps technical truth but misleading, we're not going to allow perjury prosecution, Supreme Court of the United States. And the thrust of that case is basically that we are going to look very carefully at every such case, the language, the questions asked, and the precise words are going to be viewed through a microscope, and we're going to see if there are additional reasons why the man answered the way he did or truth that overwhelms that. If there is not, we will not allow that prosecution, which is what Bronston did when it reversed.

What do you have in a perjury case? Perjury cases have three basic elements, there is the oath, has to be under oath. Nobody quarrels about that, we can put that aside. There must be falsity, objective falsity. And third, there must be an intent to lie. Those are the elements of the case.

What do we have? Let's look at Count II of the indictment. We have to look at the specific language of Count II. Let me add another point. I've read the work of art, their memorandum, here it is. I don't mean, if you think that you are allowed to introduce double hearsay to prove a perjury case, then they ought to go back to law school. I don't mean to just level personal insults.

What they are basically suggesting -- you can't, for example, use what Wiley says to Ingram to establish what Wiley said to Nixon at the time in question, at the relevant time. What we're talking about is this three piece conversation, Wiley's conversation with Nixon in the office. Nobody disputes that took place; there is a dispute as to when, that's not going to affect the perjury charge. Conversation, one on one in his office, conversation between Nixon and Holmes at the farm, and a conversation then on the telephone between the two at the farm and the one -- and Wiley at his home. Nobody disputes the location, that they took place. But what, those are the only parties to those conversations, they're the only ones who count.

Carroll Ingram, if Wiley Fairchild went out and then dictated to Carroll Ingram a week later what happened, it's not admissible on this count. It may be corroborative of Wiley's evidence that he had such a conversation, but in determining this motion, the only thing you can look at is what Wiley says from the stand he said to the Judge, what Bud says, and what the Judge said to him, what Bud says he said to the Judge and the Judge said to him, and then what Bud and Wiley say about the telephone call. That's all that can be looked at. There is nothing else.

Let's come to that. Count II of the indictment basically says what? They've told us what the perjury is. I think once again you're going to see that the duplicity problem raises it's ugly head again. Your Honor has ruled on that that it's not duplicitous. We renew that, we have never lost that motion -- we have never waived that issue. But let's come to it.

The question is whether or not Wiley Fairchild ever discussed the case with Nixon. The question was, "Did Wiley Fairchild ever discuss the case with you?

"Answer: No, not to the best of my recollection. I think I would recall that if he had, believe me, but I don't recall that he ever did." That's one.

Secondly, "Did Wiley Fairchild ever ask you to do anything vis-a-vis his son's case?" Quoting the indictment. He says, "Absolutely not."

What we're dealing with then is the objective truth, or objective falsity I should say about those two comments. You can look, can I, Your Honor, it's important that I take a few minutes to read some testimony to you, because the only evidence we have of that, I think you and I would both agree, only one person in the world to this point who can testify on that issue is Wiley Fairchild. The only persons present -- we have to look at what he says. On direct, let me just read to you as quickly as I can the relevant portions of what he said on direct. I know it's taking a few extra minutes; it's so vital that you see what the testimony is at this point.

"Something come up about Drew's case and that, that I was real mad and I either got ahold of the Judge or asked Carroll to and, but he came out to my office, Carroll brought him out there.

"Is that the first time you had ever seen the Judge at your office?

"Answer: No.

"Did you have a prior relationship with the Judge?

"Answer: Yes.

"Question: Why did you want to see the Judge?" This is all prefatory to his description of what takes place.

"Drew said that when we paid the full ten thousand, everything would be over, and that was supposed to come with Bud Holmes. And I just wanted Bud Holmes to do what he promised to do.

"Question:" -- this is in the courtroom -- "So what was Judge Nixon to do?" They didn't ask what did Nixon say; "What was Nixon to do?"

"Answer: I told him what had happened, and I said, now, if they will go ahead and prosecute Bob Royals they won't hear a damn word out of me. He's guilty and my son's guilty, but I don't like them picking on my son because I got money. And so that's what I told the Judge." That is Fairchild's testimony. Okay.

Question again at Page 484, Mr. Weingarten going back over it. "What was the nature of the conversation?"

"I told him what it was that they was trying to blackmail me and I wasn't going to be blackmailed, and that, what Bud had promised to do, and I said now if they will go ahead and prosecute Bob Royals, won't hear a word, because he's guilty just like my son.

"Question: How did Judge Nixon respond to you?

"In my office I don't recall him saying anything.

"Did he just sit in and listen to you?

"Well, he, yeah, kind of shook his head, maybe grunted a little or something or another.

"You remember no conversation?" This is Reid Weingarten asking. Wiley Fairchild "was doing all the talking. He might have said something, but, and probably did, but I don't remember." That's the direct examination.

On cross, I'm just simply reading the relevant portion of it and I focus in on that exact point in time where Wiley and he are meeting.

"Question: You told him out of the blue that Bud Holmes and you think even Carroll Ingram are blackmailing you, right?

"Answer: Yes.

"You don't ask him to do anything about Drew's case, correct?

"That's correct.

"You have never spoken to him before about Drew, correct?

"That's right.

"And you say something about wanting a man named

Royals indicted, correct?

"Answer: No, I didn't say I wanted him indicted. I --

"Go ahead. I'm sorry.

"I said if they will go ahead and indict him and prosecute him, you wouldn't hear a damn word out of me, they were both guilty.

"Question: You're saying Drew's guilty, and if they prosecute Royals then you wouldn't hear a word out of me?

"Answer: Right.

"Okay. That's it? That's what you say?

"That's what I said."

That's all we had, both on direct and cross, on that subject. Let me just read this one other question of mine. "And you didn't even, you didn't ask him to do anything for you, correct?"

"Answer: No.

"Am I right?

"Yeah.

"Okay, and what you said is that you don't recall him saying anything, he may have shook his head or grunted -- telling you what I had heard you say yesterday. That's all you recall, shook his head?

"Yes.

"Okay." That's it. Now let's look at the indictment. The, what they are saying is they had a discussion concerning the case. He says he didn't have a discussion, and he clearly says he never -- this is the question in the grand jury -- remember their burden is to show beyond a reasonable doubt to a reasonable juror that there is objective falsity, beyond a reasonable doubt. How can you say from that statement when the man himself as, the allegation of perjury is did he ever ask you to do anything, ask you, and that man has said no, I never asked him to do anything. How can that be perjury? How can you say they have sustained their burden when their witness says I never asked him to do anything. We didn't -- then says we didn't discuss the case. That's the evidence, and that only gets you on the issue of objective falsity.

You go to the second intent of the state of mind of the Judge. What do you need? We don't have -- he hasn't testified, doesn't have to at this point. You have to be satisfied beyond a reasonable doubt on that cold record that a juror could find beyond a reasonable doubt that he had intended to lie, okay?

But what do you know? You know, you know that if under Bronston if he had a reasonable basis for believing he's telling the truth, it's not subject to a perjury indictment. That's what Bronston is saying, that in effect is what the Black case says, the Fifth Circuit implicitly says as well. Black case is a little arcane because -- it was a case I handled on appeal -- a little arcane, came up in an embezzlement context, dealt with the perjury case, you can see they are dealing -- affirmed the judge in dismissing the perjury charge. I assume Your Honor has looked at that case.

The point being the Judge is asked, there is no objective falsity, so far; you look at what the Judge's state of mind is if you ever reach that point. He says they didn't discuss the case. Tell me what they had -- blackmail attempt, what this man is complaining about is blackmail by Holmes and Ingram and the idea of getting -- unhappiness that Royals wasn't indicted. Where is the discussion of the case? Where is it a reasonable juror, by necessity, could not, had to believe that was a discussion of the case? Under Bronston there is no way that aspect of the count can stand.

The next part, this is where you run into your duplicity. You have to make two decisions, I think, Your Honor, before you come to making a decision on Rule 29, ought to rethink that duplicity problem, because you can find no on one and yes on the other. I don't know how that case goes to the jury. There really has to be -- and you can't amend that indictment.

Let's just come down to it. The second half of Count II, did Wiley Fairchild ask Judge Nixon to do anything vis-a-vis his son's case. What did Wiley say when I asked -- that exact question was put to him? "You didn't ask him to do anything about Drew's case?

"Answer: That's correct."

That's exactly what they asked the Judge. "And, Judge, did he ever ask you to do anything?" Wiley on the stand is saying he didn't ask him, the Judge has told the grand jury the same thing. How does that get past a motion to dismiss? Utterly inconceivable. That's testified, and that's the only evidence on that issue right now. You've got to be able to say that a jury could find beyond a reasonable doubt the opposite. How are they supposed to find Wiley did ask him when Wiley said on this stand in front of you he didn't ask him and the Judge interpreted it the same way in answering the question?

Okay. Secondly, you really don't even reach the next level of his intent. The evidence makes it clear that the Judge is telling the whole truth at that point. Enough said about that phase of it.

Judge, I do want to stop and mention one other thing, it's very crucial. I don't know if Your Honor remembers yesterday, the testimony, I think this bears on the reasonableness of his responses which goes to the whole intent issue and the criteria you're going the apply at this point. I asked in the same grand jury the next day, Carroll Ingram was asked the question, I am citing this to you for the reasonableness of the way -- what you must look at is the reasonableness of the Judge's position at that point in time.

Ingram goes to the grand jury knowing at the time he has discussed this phone call, this telephone incident, had already discussed it with Nixon and with Wiley Fairchild. He is in a sense, while he wasn't a party to the phone call, he is in the same position as the Judge. He had discussed it with Wiley who had mentioned it to him, he had discussed it with Nixon. At Page 62 of his grand jury, I said Page 62. I think I have the wrong portion of it. I thought my copy had underlining, that's another copy.

"Question: Did you ever discuss the Drew Fairchild narcotics matter with Judge Nixon?

"No, I did not, have not."

Okay. Now, look at the identity of that question put to him and his response to what was asked of Judge Nixon. Think about that. The next day or the same day, Nixon had been asked, "Did Wiley ever discuss the case with you?

"I don't recall that he ever did." And he's indicted for perjury. Carroll Ingram is asked did you ever discuss the matter with Judge Nixon, and he already had discussed it with Nixon, he conceded it from the stand, he conceded he remembered that, he knew it when he went to the grand jury, he says, "No, I did not."

"Were you telling the truth?"

He said, "Yes I was telling the truth." I had not, yes, Nixon told me about the -- that he had gotten a call from

Wiley Fairchild concerning the Drew Fairchild case, he passed on a message, talked to Bud about it. That's basically Ingram's testimony. Surely that fits, that would fit the definition. He didn't view that, as a reasonable person, the government's witness, gets on the stand and says, I, I mean I didn't commit perjury. No, in fact he was furious anyone would suggest that's perjurious. The government hasn't suggested that's perjurious, but it indicts Judge Nixon on the same grounds, comparing material with that man at that time.

The only difference is Ingram learned it one step removed; Nixon was a party to the conversation. But in terms of the way they came to the knowledge, say did you ever discuss, were you ever present at such a discussion, did you ever discuss it with Nixon? He was party to the discussion with Nixon in the broad sense that they're trying to palm off, had had a discussion with Nixon. The answer is no, I did not, I have not. Nixon says I don't recall discussing it with Wiley Fairchild and he's indicted. I'm pointing that out because it goes, the thrust of that goes to the unreasonableness or the failure -- no juror, I submit to you, based on those facts could find the necessary intent on his part to have intended to lie. They have not carried their burden on it.

You know, I know they can say, they can't go any further; they can't go any further; they can't bring it. Their people have made it clear that there is nothing here, that their witnesses did not view this as discussions about the case. It is not reasonable to say that there were, or put another way, look at what the definition is of discuss. It is fair to say that at very least there is technical truth when Judge Nixon, a lawyer, answers that question.

Under Bronston, unless the government can prove that his interpretation of the question is beyond, is in effect unreasonable, they can't bring the prosecution. That's what Bronston holds. That's where we are here. Everybody who was asked about this subject takes the same position. The only difference is he, the Judge, gets indicted for it.

Point out something else, Judge. As the Court, Bronston makes it very clear, and they say it -- just a moment. It is the responsibility, talking about a perjury case and who has the burden in the grand jury, it is the responsibility of a lawyer to probe. Mr. Weingarten in the grand jury. Interrogation and cross-examination in particular is a probing, prying, pressing form of inquiry. If a witness evades, it is the lawyer's responsibility to recognize the evasion and to bring the witness back to the mark, to flush out the whole truth with the tools of adversary examination. That's the thesis on which Bronston deals with perjury cases.

I suggest, sir, that they have -- when they find out about this incident which they didn't know at the time, okay, it's not in their focal point, look at the grand jury as Your

Honor is free to do, when you look at the entire series of questions that's going on, that you have no questions about the incident, they never call the man back to ask him those questions, and under all of the facts it's clear he is having, taking a reasonable interpretation, surely as reasonable as Carroll Ingram on the issue, and that's on intent. I suggest you don't even reach it because they have not satisfied the burden on objective falsity. That's on Count III. Excuse me, Count II, it has two parts of it.

Let's jump to Count IV. I'm jumping Count III only because that's a Bud Holmes count. Count IV really stays with the Wiley Fairchild aspect of the case. On Count IV we don't have a question other than, "Judge, do you have anything you want to add?" Judge says I do and then makes a statement. I'm not so sure, I have not seen a case that deals with this kind of incident. He's asked a question, says yes, I do, then of course says something.

What is that count all about? In that count the falsity, there is no question, simply, I want to read the whole paragraph, four paragraphs.

"I have had nothing whatsoever officially or unofficially to do with the Drew Fairchild criminal case in federal court or state court. I never handled any part of it, never had a thing to do with it at all, never talked to anyone, state or federal prosecutor or judge in any way to influence anybody with respect to this case."

What is the thrust of that alleged false statement? According to the government it is that he seek to influence. Why do I say that? Because they say it when they brought out the truth, he had sought to influence the case. There is not a single word in this record, you can look, Bud Holmes' testimony is categorical on that point, that he, the Judge, not only -- according to Bud Holmes, the Judge prefaced it, he didn't want him to do anything improper, he was passing on a message from Wiley Fairchild. He didn't ask him to do anything, it was Bud, at best, who volunteered -- we suggest it never occurred; let's accept it, they are entitled to a view of the evidence which is best for them -- that Bud said, you know, listen, I'll, I can do whatever I want, I'll pass it to the files. The more he says no, the DA is saying I can do it if I want. It wasn't his idea, he didn't want him to do it. He didn't seek to influence. He wasn't asked to influence, that we know from Wiley; he didn't seek to influence, that we know from Bud. That's what this case is about and nothing else. That's what that charge is. There was no objective intent, objective influencing and that's what the Judge was saying. We know he had nothing to do with the case on the state or federal level, there is no problem about that, and the only other thing is what he says that he didn't do anything to influence anybody with respect to the case. That's what's underlined.

I defy anybody to tell me where they have some evidence that the Judge asked anyone to do anything improper. That's what they have to do to show it. Seems to me when you get to intent, there is no way they can make it past that. Here is -- he is basically summarizing his position that he had nothing, that the oil and gas venture and this Drew Fairchild case had nothing whatsoever to do with one another and in fact he had nothing to do with the Drew Fairchild case, and it had nothing, did nothing to influence that case.

The evidence I would put -- if we were dealing with that limited issue, Bud Holmes, I would stipulate his testimony in, because he categorically, I could read it to you from the testimony as it now stands. Bear with me one second, Your Honor.

At Page 737, Bud Holmes says that the Judge said I'm not asking you to do anything, I'm not asking you to do that when Bud mentions passing it to the files, I'm not asking you to do anything at all. That's the testimony of Bud Holmes, and when you look at pages 940 to 941 on cross-examination, "Question: Did he ever ask you to do anything for Wiley Fairchild?

"Answer: Did not," at Page 941.

940, "Is it not a fact that at no time did Judge Nixon ever ask you to do anything for Drew Fairchild, is that true?

"That is correct."

Page 947, listen to this. "At no time, isn't it a fact that at no time, including that evening, whenever that was, you never discussed the case with the Judge?

"That's correct." That's Bud Holmes on the stand. That's Bud Holmes testifying that that evening in his mind he never discussed the case with the Judge, that the Judge never asked for or sought to have him influenced, and that's the testimony as it appears in this record. And they are then, they are then still seeking to say that he sought to influence him.

That's Count IV, but it throws us right back into Count III, because what is Count III? Count III is the most simple question, at the grand jury, "Did he ever discuss the Drew Fairchild case with you?

"Answer: No, not to the best of my recollection. I think I would recall if he had." What evidence is there on that? We have the testimony of Bud Holmes telling us what he claims to have -- he says the Judge doesn't ask him to do anything, prefaces it by making a disclaimer, wanting to do anything improper, passes on a message from Wiley about the son's case, okay, in terms of the blackmail. And then Bud volunteers by his own admission to pass to it the files, to which the Judge says I'm not asking to you do that, twice. That's Bud's testimony.

When he is asked point blank in the context of all of that, did you ever discuss the case with the Judge under oath, he says no, I didn't. That's their witness saying he didn't discuss the case with the Judge. The Judge in the grand jury is asked the same question. And he gives the same answer. How can it be, how can there be evidence that gets to a jury when Bud Holmes says he didn't discuss it, the Judge gives the same answer, they are the only two parties to the conversation, the only two parties, and he gets indicted for perjury. And we can let that case to go the jury? I don't understand that, Judge.

Am I supposed -- they put Bud Holmes on the stand to testify to the facts. We assume his testimony on cross, part of it I read is on direct, but on cross is as valid as what he says on direct. They chose not to ask him the key questions. He never asked him did you discuss the case on direct, I asked him. If he says "Yeah, we discussed the case," then I couldn't make the argument, could I? But I chose -- because I knew three days ago I was going to be here, and this question is going to have to be answered, I asked him the question. He's a lawyer, he's under oath, he says no, the Judge and I did not discuss the case. That's what his testimony is, pure and simple. When, I mean I try to make it perfectly clear that's what he said that at no time that evening did he discuss the case with the Judge. And that's the only issue on the indictment under Count III. The Judge gave the same answer.

How do we get, how can we say that the Judge, his guilt or innocence can be determined now by a jury? Where is the -- if the witness, if the other party to the conversation says it wasn't a discussion, how can that be, how can that be interpreted as truth and the Judge viewed as being a liar when he goes to the grand jury? It's impossible.

Judge, I think I have, unless there are questions by you, I have gone through -- I apologize for the duration of the time, but this is a terribly important stage of the proceedings as far as we're concerned. It seems to me that, I know, I guess if we had a scale of values as Carroll Ingram talks about things, I guess it's so clear that the gratuity count should not be here, should be taken away from the jury; that that is the highest in the scale of what needs to be addressed, it's so patently defective in this case. It's -- it defies reason to suggest that the government really went ahead with the case in the light at this time, which I suggest they either have known or damn well should have known a lot earlier than this.

We are not worried about taking this case to the jury. We're confident. If the jury needs to decide it, fine. The only thing is, the ends of judicial process calls for you to make the decision and not to let a jury make the decision simply because this is a judge. It seems to me he is entitled at this point to no less than any other defendant; I'm not suggesting you would give him anything else.

I guess I would be something less than candid if I were to suggest there is the feeling perhaps it's best to let this go because if -- maybe someone is going to suggest that Judge Meredith threw out the case, just taking it away from the jury. I don't feel that way. I'm saying, I'm voicing what's on my mind, what's in my heart.

This is no case that should go to this jury. This man should not have to run the gauntlet of my arguing that case to the jury, which I'm came able of doing and ready to do; I'm satisfied the jury of twelve good jurors will acquit him, but I don't think we should have to run that gauntlet. I don't think anyone should have to run that gauntlet when the evidence is so so ridiculous at this point. There is absolutely nothing to allow that case to go to the jury at this point. There is nothing to suggest this man had anything in his mind of anything improper based on anything said in this record, I mean just nothing.

On the perjury counts I can understand at least, I can understand the government brought it; if they had not, absent the gratuity you really have no motive for the perjury. I can understand at least where there is an argument when you first look at the facts, before you know the facts, that that perjury count -- those perjury counts have some, at least some superficial smell of problems to them, but when you look at them the way we just have, as we never could before, taking them and juxtaposing them against the evidence, they can't go to the jury, all three of them.

That's asking you to -- I mean that's really asking something of a judge to sit in judgment of another judge and throw out the entire case, but I'd be asking you if this was a twenty year old narcotics peddler, and I think you would do it if the facts warranted. I ask you the same thing, not a thing more, but not a thing less. He's entitled to a judgment of acquittal on that gratuity count. He has acted honorably, totally honorably with respect to it. He's equally entitled at this stage of the case to a dismissal of each of those perjury counts.

Thank you for your patience.

BY MR. WEINGARTEN:

Judge, the facts in this case are really fairly simple. It begins when Judge Nixon decides he wants an investment with a millionaire in Hattiesburg named Wiley Fairchild. That's what he wants, that's what Judge Nixon wants. And he reaches out through Wiley Fairchild's lawyer, Carroll Ingram, to get that investment, and he's persistent. He prevailed upon Ingram to get that investment, and that investment is his. And only after the investment is his does he visit this man, a man he had never known, only had heard about this millionaire Wiley Fairchild, and says Wiley, thank you for this investment; if I can help you down the road I will, if I can't I'll tell you.

Wiley Fairchild wanted help down the road. Wiley Fairchild was plenty fed up with what was going on with his son's case. And he called upon Judge Nixon to help him, and it is clear beyond a reasonable doubt peradventure that what those two men were talking about in Wiley Fairchild's office was Drew Fairchild's case. Now Wiley Fairchild is a 75 year old man with a fifth grade education, he's not so articulate. I had feelings during the cross-examination if Michael Fawer asked if he was on the next space shuttle he would have said yes. The circumstances of this case make it ever so clear that what those two men were talking about in Wiley Fairchild's office was the handling of Drew Fairchild's case.

If we needed further proof than that, we get it when Walter Nixon went right from Wiley Fairchild's office to Bud Holmes, and said Bud, Wiley asked me to put a good word in for Drew's case. Now, that is evidence coming right out of Judge Nixon's mouth that Wiley Fairchild and he discussed Drew Fairchild's case, and that Drew Fairchild's dad, Wiley Fairchild, asked for something. The question is why.

And the evidence is clear on that as well at that time the royalty income was starting to flow, and it is also clear that Judge Nixon wanted more royalty income in the form of more investments from Wiley Fairchild, and that is precisely the reason he sought to help Drew.

And what happened after he makes that request is, well, Bud Holmes, completely fawning to Judge Nixon, would have done anything. Can it be interpreted those two men at that moment were not discussing Drew Fairchild's case? What were they discussing and what was Judge Nixon doing when he was putting in a good word in for Drew if not seeking to influence Bud Holmes? What was the point of it if the point is not to influence the case? If there is any question about that, what could he possibly have thought when Bud Holmes said oh, I'll pass the case to the files; what was Bud Holmes doing? Was he not responding to the effort to influence in front of this man? Can there be any question about that?

And if there is, can we not look to Carroll Ingram's testimony to resolve it? From Judge Nixon's own lips he admits talking to Wiley Fairchild about the case; from his own lips he admits to talking to Bud Holmes about the case; from his own lips he admits getting back to Wiley Fairchild, I've got positive results. That's Carroll Ingram. Carroll Ingram was very, very favorable to the defense on the oil transaction. But when it comes to the perjury counts he puts the lie to Judge Nixon's testimony clear and simple.

I submit to Your Honor on the perjury counts it's not close, we have met our burden as to Rule 29. Now, as to Count I, I concede that it is a different matter. I concede that it is a close question, but I submit that the beef Michael Fawer has is not with the government but with the Fifth Circuit in the Evans case.

I submit the hypothetical, if somebody came to you, Judge Meredith, said you're a good judge, I'm in your court, here is 50 thousand dollars, that under Evans would be a gratuity. And maybe the Fifth Circuit will address it down the road; that's what Evans says. I know the Court is aware there need be no quid pro quo. That's a strawman Mr. Fawer has continually beaten. We have never charged in the indictment that the gratuity was given to Judge Nixon for Drew -- in the Drew Fairchild case. We've never charged it, we don't need to charge it to make the gratuity.

There is crucial evidence in Evans, however, under the unlawful gratuity subsection, all that need be proven is the official accepted because of his position a thing of value other than as provided by law. 201(g) makes it criminal for a public official to accept a thing of value to which he is not lawfully entitled, regardless of the intent of the donor or donee. I didn't make up the language, the United States Department of Justice didn't make up the language; that's the Fifth Circuit. The Fifth Circuit says an officer of the Court, a public official, couldn't use his office to generate gifts or things of value.

I submit that's exactly what Judge Nixon did. When he sat there and reached out for a millionaire he never knew through a lawyer who appears before him in court, he was using his office to generate things of value. I think Judge Nixon knows that too, because in the grand jury, grand jury, this grand jury transcript is a matter of evidence, it's before the Court, he was asked who triggered, who triggered Wiley Fairchild. Was it Judge Nixon or Carroll Ingram? I'd like to read it, it's a page. Here's an important question, this is the government asking. "When you approached Carroll Ingram at first, did you mention Wiley Fairchild or did he come back and mention Wiley Fairchild?

"Answer: He came back.

"Question: Are you certain of that?

"Answer: Yes, I'm positive. I knew nothing of Wiley Fairchild's connection with Carroll Ingram to the best of my recollection at that time.

"Question: Okay.

"Answer: Except I assume they knew each other well because they were both in Hattiesburg.

"Question: You're certain you didn't go to Carroll, 'I know that you know Wiley Fairchild, I'd like to invest with him'?

"Answer: To the best of my recollection I wasn't -- I would have no reason to do that, okay? I don't recall anything like that."

Then he proceeds to say how Carroll got in touch with him and offered up Wiley Fairchild. The evidence is directly contrary to that. I submit to you Judge Nixon knew when he was in the grand jury that was not the case, but he didn't want to own up that he had reached out for a oil millionaire to an attorney who appears before him. Carroll Ingram wasn't coming forward so quickly and the Judge persisted, he wanted that deal with that oil millionaire. He knew from Bud Holmes, there is evidence in the record, Wiley Fairchild gave public figures good deals, and in fact he does. Wiley Fairchild never made any bones about it, he did it to get close to a man who could be of influence and could be of help to him. A public official.

The backdating, Carroll Ingram, actions speak louder than words. The backdating has absolutely no legal effect. You could infer from the backdating it had one point, that was to hide the value of the wells when the deal was effected. The value of the wells established by Wiley, established that the wells were more valuable in 81 than 80, from the expert more valuable in 81 and 80, why go through this charade of backdates when it has no legal effect. He was going to get paid from the time of production. They were hiding the fact this was a sweetheart deal. There is no other reasonable interpretation. Were they valuable? Value was 26, 28 thousand dollars at the time, the expert says that's less than what they were actually worth in 1981 or in 1980.

What do the dollars say? Right now Judge Nixon is sitting with 50 thousand dollars clear profit in his pocket with more to come. Right after the first meeting, what did he say? Well, if I can help you I will. Is that what you can say - that's what you say in an arms-length deal? You've helped him already, you've paid for it, what further help is appropriate in a legitimate arms length business deal?

Of course he does help Wiley Fairchild, it was conceded from the outset the help was not an official act, Judge Nixon was not acting as a United States District Judge when he went to Bud and said "I want to put in a good word for Drew," but that reflects back on the intent of the parties at the time of the deal. If this was a legitimate arms length transaction, what obligation did Judge Nixon have to go to Bud Holmes to put in a good word for a smuggler that he never knew?

I submit to you, Judge, the whole point of this case is Judge Nixon knew he should not have done what he did. He knew that it was inappropriate to go to Bud Holmes putting in a good word for a smuggler, the father of whom he's in business deals with, sweet business deals with, and more business deals to come, and he didn't want that out in the grand jury, and that's why he perjured himself.

I believe we have met our burden of proof for purposes of Rule 29. Thank you.

MR. FAWER: May I, Your Honor?

BY MR. FAWER:

You know, really I guess in a way I would almost want you to deny, to deny the motion because I'd like to argue the case to the jury. This is what he's saying. Judge, he sounds to me like he's arguing the case to the jury to you, but he won't deal with what the issues are in this case. I'm trying to get you to do just that. The idea, where is it a crime -- let's take his case, his best case scenario. The best case. Judge Nixon reaches out to make an investment with a millionaire. What's wrong with that? Why is a federal judge not permitted to do that? You know -- let me give you a hypothetical. He spoke fast when he said if someone came to you, Judge Meredith, who was in your court, am I quoting you correctly?

MR. WEINGARTEN: I don't remember.

BY MR. FAWER:

I remember, sorry. Who was in your court, and then goes on to give the hypothetical. Now, in what way is that an analogy to this? Look at what it says in terms of what an official act is. You've got -- what he does, he goes from lack of intent, the non-contact and says look what happened two years down the road when Wiley asked this man -- accepting his best case scenario -- to do him a favor. The issue is not that, but what is his state of mind when he receives the thing of value? In February of, at best in February of 81, they are now arguing the contrary of their position, the contrary to facts, that there was something insidious in the backdating. They haven't got a witness to suggest that.

They came here and put on evidence. I didn't choose their witnesses, they did. Sweetheart deals? The only sweetheart deals in this case, the only ones are the immoral deals they made with their witnesses. That's all. And what happened is their witnesses got on the stand and said the backdating was done in a perfectly legitimate fashion. Carroll said it, Wiley said it. The Judge had nothing to do with it. The Judge never meets the individual. Carroll never asks him, not once.

Is there anything in the record? I mean what are you supposed to look at to determine his improper intent? He asks Carroll to put him -- to approach Wiley. Carroll does that, he comes back with what -- with what the deal is in terms of a ten thousand dollars transaction and he goes from that. Let's even assume it's undervalued, I don't for a minute suggest it was, but let's assume it was. Where is there in that pure underevaluation, where do you glean from it his intent to misuse his official position? Even he, even Reid Weingarten read the word official position. It has to be in evidence in connection with his official position. An official act, official position. When do we ever in this courtroom, when is he ethical enough to bring the two together? What is there that this man has ever done for which they can argue that he had anything in his mind of misusing his official position or was to do some official act as that is defined or understood in the case law or 201(a)? There is not a shread of evidence here, not one.

Then what he does is he just then tries to argue the case to you as if you are the jury, but you're not at this point. You're a finder of the facts only in a sense, determining whether a reasonable juror could find guilt beyond a reasonable doubt. I'm not suggesting, I never have, an argument he could make on the perjury. He doesn't deal with the problems of the law on perjury because he doesn't want to; he can't. How can he get past the problem if the question, I mean, he said, you know, look, isn't this true, isn't this that? Well, he can argue what he wants, but he's anchored in his evidence. You are if he's not. Maybe he's not controlled by it. I would hope Your Honor is.

The evidence in the case, when I asked Wiley, I did not ask him to do anything to influence anyone, and Bud Holmes says the same thing. So how can they argue he did influence? The objective falsity is just not proven. Wiley says they didn't discuss the case, Bud says they didn't discuss the case. The Judge says they didn't discuss the case, but you're supposed to allow the jury to decide they did, despite the participants to the contrary -- to the conversation saying they didn't. I don't understand how you can get to the jury on that.

When they say -- by the way, they are not tricky questions by me, I mean I'm putting the question there, Bud Holmes is a lawyer, maybe Wiley Fairchild is inarticulate; I treated him fairly. My questions to him, contrary to someone else's, took him chronologically through events. When I came to a point I would ask him things, a conclusionary question about the subject we're now discussing, and he said he never asked Judge Nixon to do a thing for him. Never did. He told us what he was complaining about. Blackmail concerning publicity. That's all, he didn't view it as a discussion of the case. Bud, who he talked to, said the same thing. How do you go to a jury then on this case in that posture.

I guess all you have to do is say motion denied, go to the jury. But I'm saying that you must, and I ask you to, to please carefully consider, as I know you will, what I said here. For you to look and juxtapose this indictment against the -- the language of this indictment in terms of the perjury against the facts as they have been adduced and give the defendant his due when it comes to that. Because it just doesn't, they have not carried out their burden. All the raving, I mean I can argue emotionally, do all of that, but there is -- I stand here, I will say to the jury, I am not embarrassed as a member of this court for anything he has done in all of this matter, all of it, including every word he gave to the grand jury. I am embarassed for our government who brought their indictment, and for that I ask the forgiveness of everyone, but that's the only thing that's embarrassing about the case, their attempt to break down that barrier between the judiciary and the executive.

I don't think they understand, I don't think the boy understands that he's doing that. But that's what's going on here. You have a legitimate case bring it, but when you don't, don't pretend you never viewed the Drew Fairchild case -- that's what they started out doing. Someone said you can't do that, finally get pushed back further and further. They started out -- what's the indictment say? How come he doesn't quote it? The indictment says in Count I because of official acts to be performed by Nixon in the future in matters of interest to Wiley Fairchild. I didn't hear a single word from him about that. What official act did he suggest that this man, this judge was going to do in the future in matters of interest to Wiley Fairchild. Did he adduce one scintilla of proof from Wiley, Bud or Ingram on that? Answer is no.

How do I answer -- what do I do with a void? There is a void of proof, and they want that case to go to the jury. Judge, I have said, unless Your Honor has some questions, please ask you to give it your most carful consideration and grant it.

THE COURT: Mr. Fawer, you are aware that the Court must interpret the evidence in the most favorable light to the government? Now --

MR. FAWER: Of course I am.

THE COURT: And in view of that, the Court is of the opinion that the motion for directed verdict is denied on all four counts. Now, are you ready to begin or not?

MR. FAWER: I need a little bit of time to just go forward.

THE COURT: Let's take a short recess.

MR. FAWER: As Your Honor knows, the government until this morning -- until late last night indicated they were going to take some time.

THE COURT: I understand.

(Recess.)

(End of Volume 18.)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

SOUTHERN DISTRICT OF MISSISSIPPI
FILED
MAR 31 1986
CLARENCE A. PIERCE, CLERK
BY ______ DEPUTY

UNITED STATES OF AMERICA

V. CRIMINAL ACTION NO. H85-00012(L)

WALTER L. NIXON, JR.

BEFORE: The Honorable James Meredith
Senior United States District Judge

DATE: February 7, 1986

PLACE: Hattiesburg, Mississippi

VOLUME 19

BOTH SIDES REST
DEFENDANT'S MOTION FOR JUDGMENT OF ACQUITTAL RENEWED
OBJECTIONS TO JURY INSTRUCTIONS
CLOSING ARGUMENTS

DAVID A. SCOTT
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(February 7, 1986:)

(Open Court, jury present:)

MR. FAWER: Your Honor, there were just two additional exhibits that we need to have introduced. One was Defendant's Exhibit 13, which were, which was the assignment from Wiley Fairchild, excuse me, the assignment to Wiley Fairchild from Drew and Bob Royals on September 4th, and that and the Hank Williams records, those are the only two additional documents that we had left that had not been, inadvertently not been offered.

THE CLERK: Which one is the Hank Williams?

MR. FAWER: 31. Okay, Zola?

THE CLERK: 13 and 31.

(Exhibit No. D-13 marked).

(Exhibit No. D-31 marked).

MR. FAWER: With that the defense rests.

THE COURT: Very well.

(2:06 p. m.)

MR. WEINGARTEN: Government rests, Your Honor. No rebuttal.

THE COURT: All right. Now, gentlemen, what do you want to do now?

MR. FAWER: Really want to do? Go home. Aside from that, we have some motions we need to make. As we understand the schedule we are going -- Your Honor is setting argument for the first thing tomorrow morning, is that correct?

THE COURT: Well, if that's -- yes. You want the jury excused now?

MR. FAWER: I don't want them -- if we are not going to sum up for the jury -- I'd like to sit around with them; I don't think we have anything we can do with them this afternoon.

THE COURT: We're going to have a conference about the jury instructions this afternoon so both sides can make their objections to the Court. That will take the rest of the afternoon to get that done. So you're excused until nine o'clock in the morning.

(Jury leaves.)

MR. FAWER: Your Honor, at this time we would on behalf of Judge Nixon renew our motions for judgment of acquittal under Rule 29. I don't want to go through the one hour oration I guess that I gave the last time. I would simply implore the Court that above and beyond, I mean if it wasn't clear at the end of the government's case, I think it has to be crystal clear now. If nothing else, if you want to hold the perjury aside, although I don't think you should, there is absolutely no basis in fact or in law to let this gratuity count go to the jury. There is just nothing in the record, nothing from which you can glean anything in the way -- put everything else aside -- where there is any intent on the

Judge's part to abuse, misuse, take advantage, whatever word you want to use, concerning his official position or in any way, in any respect do any official act.

I'm at a disadvantageous position, I'm arguing a universal negative. There is nothing in the record to suggest there is -- I wish Your Honor could suggest something to me so I can address it. I have no -- their argument, they have come down to saying it, pure and simple, if the Judge knew he was a judge and knew he was getting a sweetheart deal, let us accept that as a fact. I don't believe those are the facts. He knew he was a judge, but let's accept, assuming arguendo, it's a sweetheart deal, they say that makes out a crime. That's what their argument is. They have gone on record, on paper. They say it in their request for instructions. Now, if that's a crime, then I don't know how to read Section 201. And if that's what they're going to the jury on, then you must grant the Rule 29 motion, at least on that gratuity count.

I heard Your Honor say you have to take all the evidence in the light most favorable to the government as the reason you denied it before. I ask you to take it in the light most favorable, you can take that evidence, you can draw every inference you want in favor of it from being, from zero you come up with zero. I don't care what inferences you draw, unless you're going to draw -- the only way you can come to that conclusion is to say because you have no evidence that

that's proof that he had an illicit intent. That's the only way you're going to do it. Unless you read intent in that, I don't think Your Honor does, but unless you do that, this case doesn't belong going to the jury at very least on the gratuity count.

I renew my motion, I implore Your Honor to sustain it as a matter of law.

I say the same thing should be done on the perjury counts for the reasons I gave you before.

MR. WEINGARTEN: We stand on what we said before, Your Honor.

THE COURT: All right. The motion is denied. Let's adjourn to my chambers.

(Recess.)

(In chambers:)

(Off record.)

MR. FAWER: The Judge, there is an instruction marked A, defense instruction A, labeled "Hearsay (corrected version)." And the Judge has indicated that he has declined in light of the government's objection to instruct the jury as set forth on that charge, that proposed charge. The defendant takes issue on the Judge's refusal to so charge.

(Instructions marked A through F bound at end of this volume.)

(Off record.)

MR. FAWER: We have asked that there be a definition, defendants have asked that there be a definition of the term "discuss" given to this jury because that precise word is used in Counts II and III as the subject matter of the perjury. The Judge has refused to give this instruction pursuant to the government's objection, and the defense takes issue and thinks that the charge -- that it is error not to charge the proposed, give defense instruction B. Okay.

(Off record.)

MR. FAWER: The defense has proposed a charge on the defendant's intent in the perjury charge, it is labeled Defendant C. With the government's objection the Court has refused to give that charge and defendant objects and finds that to be, believes that to be error and so notes.

(Off record.)

MR. FAWER: The government has objected to Defendant's proposed instruction D on no perjury by implication. The Judge is refusing to give that charge and defendant objects to the failure of the Court to charge on that.

(Off record.)

MR. WEINGARTEN: It's my understanding that the Judge has rejected defense counsel's proposed perjury instructions because the Judge has concluded that the pattern instruction of the Fifth Circuit as to perjury is sufficient.

MR. FAWER: That is accurate.

(Off record.)

(Evening recess.)

(Chambers, February 8, 1986:)

MR. FAWER: The government has requested a charge on polygraphs in this case. I don't know the number. Government's request, proposed request E. The Court has agreed to give the charge as described in exhibit E, and defendant objects to the giving of the charge insofar as this is an issue that is not in the case. The reason it was raised in trial at all is that in the plea agreement with Bud Holmes the government conditioned the plea upon their right to give a polygraph on the issues raised in the case, and I simply brought out that they did not give Bud Holmes, ask him to take a polygraph on the issue. That does not mandate or should it require this charge. I believe the charge is misleading and prejudicial under these circumstances.

(Off record.)

(Open court, Jury present:)

THE COURT: Government may proceed.

MR. WEINGARTEN: Thank you, Your Honor.

BY MR. WEINGARTEN:

Your Honor, defense team, Judge Nixon, ladies and gentlemen of the jury. Good morning.

The case is coming to a close. The job of the attorneys is coming to a close. Soon it will be you twelve jurors, rich in common sense and experience from living in this community, who will have to decide the guilt or innocence of the defendant, Judge Walter Nixon. In so doing, as we have said from the outset, you must leave all prejudice, fear, favor, outside the jury room. You're like surgeons. Your scalpels are your common sense. You're to cut away everything but the truth, base your verdict on the truth and only the truth. Of course it's just you twelve. Not you four. Happily no alternate was necessary, or apparently necessary in this case, and it will be you twelve jurors who will decide this matter.

I said in my opening statement that there are two issues to revolve in this case. First issue, was the oil transaction a legitimate business deal or was it an illegeal gratuity? Issue number two, of course relating to the perjury, did Judge Nixon get involved in the Drew Fairchild drug case? I said those were the issues in the opening statements, they remain the issues today.

Let's look at the evidence adduced at the trial as the evidence is connected to those two issues. The case began with the grand jury foreman, Mr. Ward from Meridian. Of course he introduced the grand jury transcript which contained the allegedly perjurious testimony.

Then Drew Fairchild testified. We put Drew on the stand not because he had incriminating evidence against Judge Nixon, of course not. He never knew Judge Nixon, but because the processing of his case is so central to this proceeding. You recall that there was a bust at the Hattiesburg airport in August of 1980. You recall of course that Drew Fairchild was the manager along with an individual named Royals at the airport and you recall of course that he cooperated with the smugglers to bring over two thousand pounds of marijuana into Hattiesburg. You recall that originally it was a federal case. You recall that Drew was summonsed -- Drew went to Jackson to meet with the U. S. Attorney's Office on November 19th and reached a Memorandum of Understanding wherein he would provide cooperation to the federal government in return for a guilty plea and probation. You recall that testimony that the cooperation from Drew Fairchild was deemed not to be satisfactory, and the United States Attorney's Office perceived that Drew would be prosecuted like the other smugglers.

And then you recall of course that Bud Holmes sometime in 1981 got interested in the Drew Fairchild matter and sought the case from George Phillips. You recall George Phillips was happy to pass the case to Bud, considering it a matter of interest to Hattiesburg, and overwhelmed with cases in Jackson. Drew was indicted at the state level in August, 1981.

You recall that several months later, January 1982, he pled guilty in state court in Hattiesburg, Mississippi, in the state courthouse down the way a bit, and promised to testify against a fugitive, an individual named Watkins. You recall that a period of time passed after that following the guilty plea in January of 1982, Watkins was a fugitive, Drew had back problems, there was a serious of continuances.

Then in December, 1982, came a central event at this trial, and that is the Drew Fairchild case was passed to the file by Bud Holmes. You recall sometime later, thirty, thirty-three days the case came back from the file after Dickie McKenzie became the Judge.

You recall that again there was a delay in the Drew Fairchild matter, and the next significant event you recall was when Dickie McKenzie and Bud Holmes visite Wiley Fairchild in December of 1983 to discuss the resolution of Drew's case. You recall of course the case was not resolved at that time, the Drew Fairchild case continued to remain in a pending situation until the State of Mississippi decided that Bud Holmes' plea agreement was not acceptable, the Court so decided, Drew Fairchild withdrew his plea, was indicted in federal court in 1985, and finally was sentenced in 1985 by a federal judge from Louisiana and served a period -- sentenced to six months in prison and served a period of four and a half months. Like a ping pong ball the Drew Fairchild case. A long, arduous course. The significant events, he was part of a bust or part of a conspiracy in August 1980; not until 1985 that he does go to prison.

George Phillips testified briefly. Of course, George testified as to how the federal government handled the case.

And then we put on Skip Jarvis. You remember Jarvis. A lot could be said about Jarvis, young guy in his thirties, lawyer, presently a district attorney in Florida, his wife is kin to Wiley Fairchild, couple of kids, worked for Fairchild, a bright, opinionated guy, a little James Bond in his blood, volatile relationship with Wiley; could go on and on about Skip Jarvis, but not much of it would be relevant. He offers no evidence of misconduct against Judge Nixon.

He was put on the stand because of our belief that you had a right to see how the government's case got under way, and it got underway in November, 1983, when Skip Jarvis called the FBI annonymously. He made a few more annonymous calls and then he agreed to surface. He met the government in early 1984, and he made an allegation similar to allegations he had made during the annonymous telephone calls.

The allegation was that he believed there was something suspicious, something improper about an oil transaction between his former employer, Wiley Fairchild, and Judge Nixon. His proof at the time? Well he maintained that the transaction took place in February, on February 25th, 1981; when he was asked to prepare deeds that he prepared three deeds, he prepared deeds with the grantee in blank pursuant to instructions from Wiley Fairchild. He prepared deeds with, one royalty -- with one acre as the amount that would be transferred, and he sent those deeds to Carroll Ingram. It was his testimony that those deeds came back with instructions to increase the acreage and to backdate them.

Skip Jarvis testified that he later learned that the grantee was Judge Nixon, and he became suspicious of the deal. He concluded that there was a link between the deal and Drew Fairchild's case. His reasoning was that the bust at the airport and the implication of Drew took place in late 80. He concluded from the backdating that the deal was official in 1981 and was backed up to make it appear that it took place before Drew's trouble.

He claimed and testified that his suspicions were reinforced when Wiley Fairchild after the deal advised him to try to seek to get some litigation in Judge Nixon's court. He brought his suspicions to the FBI. To test his suspicions, the FBI asked Skip Jarvis to wear a secreted tape recorder and have a conversation with Wiley Fairchild, and he did so. In fact he had two, one face to face and one on the telephone. The results of those conversations are quite clear. Wiley Fairchild maintained quite clearly that there was nothing wrong at all with his relationship with Judge Nixon. He also made serious allegations against Bud Holmes and Carroll Ingram, and he also disclosed some questionable behavior on his own part.

And what was that behavior? Well, he denied on the tape any knowledge originally about the backdating. Then he suggested to Skip that Skip needn't disclose information about the backdating to the FBI, and then he said, and I'm quoting now, "Certainly I'd rather do something for a judge or prosecuting attorney. No, a judge, period. I'd rather do something for them than the average fellow, because they're the ones that can help you if you ever need it."

After those tapes, Skip Jarvis' -- this is April, 1984 -- substantive involvement in this case ceases, has nothing more to do with this case after that.

We can turn now to the real evidence in this case, and that is the evidence from Wiley Fairchild, Bud Holmes, and Carroll Ingram. These obviously are the important witnesses in the government's case.

Now, who was Wiley Fairchild? He's an old man, man with nominal education. He's a millionaire, a little cantankerous, a little inarticulate. I submit to you, ladies and gentlemen, the issue for you with regard to Wiley Fairchild is did he tell the truth at this trial? In many ways you can determine, but I suggest a way you can start: Ask your gut. In the pit of your stomach, was Wiley Fairchild trying to tell the truth? Ask yourself, did he have any motive to lie? Did he demonstrate any animosity whatever to Judge Nixon? Did he demonstrate any animosity or favor to the government?

Of course Wiley Fairchild entered a plea to a gratuity, to paying a gratuity to Judge Nixon and was punished for it. I suggest to you that can cut both ways, mean he has no love lost for the government or can mean he doesn't want to get in any more trouble. Obviously his memory is a question, he's an older man, but can it not be said that this older man did his level best to tell you the truth at this trial? He testified at great length on both direct examination and on cross-examination about this oil transaction. He testified that it began when Carroll Ingram asked him to put the Judge in a good oil deal.

Very important question asked Wiley Fairchild, when was that first approach? Wiley Fairchild had no diary, had no calendar, but his testimony was that it occurred when Drew's case was pending in federal court. Now that answer is dramatically different than Judge Nixon's testimony, that the deal originated, according to Judge Nixon, in early 1979, Wiley Fairchild got involved in later 1979. There is a year difference there. Somebody is wrong. Ask yourself who it may be. Ask yourself what motive in the world Wiley Fairchild would have to testify falsely about anything.

What was his response to the request to put Judge Nixon into a deal? He was delighted, there is no issue there. Why? His answer was because Judge Nixon was an influential man. There followed no negotiations, no discussions between the two men, no bartering back and forth, but rather Wiley picked three wells and his office produced three deeds.

The deeds were to be effective from the first day of production. It's an important point, ladies and gentlemen. Those deeds, be it the 81 deeds or the 80 deeds, were to be effective to the recipient the first day of production, irrespective of when they were dated. The issue was to be the money that was to go to the recipient at all times, it was to be from the first day of production.

Fairchild was asked, how much would you say those wells were worth? I think it's a question that was properly placed to a man who has enormous success in the business. His estimate was at the time of the selection, between 26 and 28 thousand dollars. Fairchild testified that after his office produced the 1981 deeds he received instructions from Ingram to backdate them. He was asked what his recollection was for such an instruction and he said something about the disclosure forms. He said that Ingram said to him that they would, quote, look better if they were backdated. Why would Wiley Fairchild say that if that didn't happen? Where is Wiley Fairchild's axe to grind here? I suggest to you the man did his best to present to you the truth as he recalled it.

He testified that the deeds, the royalty interests and deeds indeed were worth more in 1981 than in 1980.

Fairchild remembers nothing about the arrangements with Judge Nixon as to how there would be payment for the deal. You can infer from that, from the evidence, any arrangements at all for the payment of this transaction resulted from discussions between Judge Nixon and Carroll Ingram, not with Wiley Fairchild, the person who was transferring the deeds. No recollection at all of ever taking back notes in a mineral royalty interest deal. Again, you can conclude from that it was Carroll Ingram and Judge Nixon who decided Wiley Fairchild would take back paper.

Fairchild summed up the deal I think very effectively in the course of his testimony. On Page 506. Testimony was as follows: "Well, when I sell something, I want to get something, I want to get something, of course, for it, and something, something where it won't look like a hundred per cent gift.

"Question: Was that the situation in this case, Mr. Fairchild?

"Answer: I'd say yes."

There came a time when Judge Nixon met Wiley Fairchild. Judge Nixon testified that the first meeting was in 1980 before the deal was formally consummated, Wiley Fairchild testified it was after. Then Carroll Ingram supports Wiley Fairchild on this point. Wiley remembers Judge Nixon saying to him, if I can help, I can help you I will, if I can't I'll tell you I can't. The issue is what was Judge Nixon talking about at that time? Was he thanking Wiley Fairchild for the first time for this deal and suggesting to him there might be something coming to Wiley Fairchild? Or was he, as Judge Nixon testified, offering Wiley Fairchild legal advice? That will be a question for you.

At this time, of course, Drew Fairchild's case is proceeding. I think it's perfectly clear and beyond dispute that Wiley Fairchild was plenty mad at how it was proceeding in state court. I think he had several beefs, according to the evidence.

First the publicity. Can there be any doubt Wiley Fairchild was sick and tired of the Fairchild -- of the case being dragged through the newspapers and casting disgrace on the name that he was so proud of? Can there be any doubt after the testimony of Glenn White that virtually every legal proceeding in the case, every continuance, every extradition hearing, everything having to do with the Drew Fairchild case produced media attention? Wiley Fairchild testified that the fact that Drew was not prosecuted severely was causing intimations he had paid off somebody to keep Drew out of jail. Of course that didn't make Wiley Fairchild happy. Wiley Fairchild testified that he was upset that the case had dragged on and on and on. The delay didn't make Wiley Fairchild happy.

Of course, he was very, very irate that Robert

Royals, the co-manager who had not been prosecuted to that point, not indicted to that point, had the temerity to come to him and talk to him about money. Wiley interpreted this to be a shakedown. He was real upset about all those factors, and he was looking for help, and he looked to Judge Nixon. He can't say when he looked to Judge Nixon, and he can't say specifically what triggered the reaction, but he left no doubt from the witness stand that it was the Drew Fairchild case and its handling that upset him, and there is no doubt to whom he turned for help.

Why couldn't he give you a specific date and why couldn't he give you a specific reason? Because this is not a script, this is not a play. This is a man in his 70's, took the witness stand and is trying his very best to give you the truth. He recalls events, not dates. I think that's consistent with his testimony throughout. What did he want Judge Nixon to do or what did he want at that point? According to Fairchild, he wanted to get Bud Holmes to do what he promised to do. He testified that prior to that, he learned from Drew's lawyer Porter that if he had paid the legal fee, the ten thousand dollars, that Drew's case would be handled, it would go away, and that would be done by Bud Holmes. Apparently that was not the case, at least as perceived by Wiley Fairchild.

Judge Nixon came to his office and Wiley Fairchild discussed the matter with him. On Page 484: "I told him what it was that they was trying to blackmail me and I wasn't going to be blackmailed, and that what Bud had promised to do, and I said now if they will go ahead and prosecute Bob Royals, won't hear a word, because he's guilty just like my son."

Testified about the meeting a little bit later, on Page 528: "You testified yesterday that you used the word blackmail in your conversation with Judge Nixon, is that correct?

"Answer: Yes.

"Did you indicate to Judge Nixon who it was that you thought was blackmailing you?

"Answer: Well, I thought it was Bud Holmes.

"Question: Did you tell Judge Nixon that?

"Answer: Yes.

"Question: Did you make any request of Judge Nixon?

"Answer: Well, he had said if he could ever help me he would, and I just told him about that I would be, in my opinion I was being blackmailed, and that I was damn tired of it, street talk was the reason my son was got out because I had been, had paid somebody off, and --

"Question: Did you make any request of the Judge?

"Answer: We had this conversation. I told them that Bob Royals was just as guilty as my son was, and if they would go on and prosecute him, they wouldn't hear a word out of me.

They wouldn't hear a word out of me. At that time then Drew and I wasn't on good terms, but I was fed up with all this newspaper stuff, street talk, and I assumed he would go and talk to the --

"Question: Talk to who?

"Answer: To Bud Holmes."

What is Wiley talking about at that moment if he's not talking about his son's case? Wiley testified that he was doing the talking. He doesn't recall a response by Judge Nixon. He said Judge Nixon probably made a response but he didn't remember. It's interesting here, Judge Nixon's testimony is consistent in large measure with what Wiley said he told Judge Nixon. It's also consistent in large measure with what Wiley testified the Judge told him on their first meeting about how he would help if he could. Which means that could well be true, which means when Wiley Fairchild recalls a conversation, he could well be recalling it accurately.

The next event puts that to the test, and that, of course, is the phone call from the farm. Wiley testified that on the same day following his meeting with Judge Nixon he received a telephone call, a telephone call in which he spoke to first Judge Nixon and second to Bud Holmes, and let's see precisely what Wiley had to say about it.

"Did you have subsequent contact with Judge Nixon about your meeting?

"Answer: He called me that night just about seven o'clock.

"Question: What did he say?

"Answer: He said Wiley, you know that man we was talking to this evening? I said yeah. He said, well, I'm in his home, and everything is going to be taken care of to your satisfaction. I says thank you, I appreciate that.

"Question: Did you recognize the voice at the other end?

"Answer: Yeah.

"Question: Did he identify himself?

"Answer: No.

"Question: How did you recognize his voice?

"I can just recognize voices.

"Question: What followed the conversation with Judge Nixon?

"Bud got on the phone, Bud Holmes.

"Question: And did you recognize his voice also?

"Answer: Oh, yeah, yeah.

"Question: What did he say to you?

"Wiley, when this man asks me to do something, I don't ask no questions, I just go ahead and do it.

"Question: What did you say?

"Answer: I said thank you, Bud, I appreciate it.

"Was there any further conversations?

"No.

"What's the next thing that you recall happening in your son's case?

"Well, it was later passed to the file."

This evidence contradicts Judge Nixon's testimony in three very significant ways. Wiley Fairchild testified that it was Judge Nixon who first spoke to him in this phone call from the farm. He testified that Judge Nixon gave positive news to Wiley about Drew's case, and he testified that this was a conversation that took place prior to the case being passed to the files. If Wiley is telling the truth here, Judge Nixon has testified to a series of falsehoods at this trial, and if this is the case, you conclude he has done this, he's put together a story to meet the perjury charges.

Let's take this one at a time. Who spoke to Wiley first on the phone? Was it Judge Nixon or was it Bud Holmes? Wiley says it was Judge Nixon. Why would the old man lie on this point? Is it not something that he would recall if the conversation was of significance to him, and was it of significance to him? Well, let's see.

"Do you recall the call, sir?" On Page 489.

"Yes.

"Do you recall it well?

"Yes.

"Question: Why?

"Answer: Well, it was, it made me happy. I thought my son's case was going to be done away with once and for all.

"Question: How did you find out the case was passed to files?

"Answer: Carroll Ingram, best I remember, brought me a copy of it where it had been passed to the files, brought it out to the office, I believe he said something about I got you a Christmas present, something, I was real happy. Called Drew's wife, she was happy too, come out there, got a copy of it."

Is that not compelling evidence that, A, case was passed to files after the call; B, Judge Nixon imparted news to Wiley that gave him a sense of joy, and C, corroborates Wiley's recollection that it was Judge Nixon who got on the phone first and not Bud Holmes.

I thought a key time at trial came when Mr. Fawer cross-examined Wiley. Mr. Fawer is a brilliant lawyer. He's an incomparably skilled cross-examiner; from a purely technical point of view it was fun, frankly, to watch him. He got -- Wiley was no match for Mr. Fawer. Mr. Fawer got Wiley Fairchild to move a great deal in many directions, but there came a time when question after question was posed to Wiley Fairchild about whether or not the call from the farm was before or after the case was passed to files. It was in the afternoon, and Wiley was visibly tired, he was yawning, but on this point the gentleman from Covington County would not yield. Over and over again he said, Page 660: "Well, when I had this conversation with Judge Nixon it had not gone to the files.

"Sir?

"I'm positive of that."

Wiley Fairchild: "Well, I know that when I talked to Judge Nixon, that they had not been passed to the files or I would not have mentioned it to him."

Page 666: "Well, I know it hadn't been passed to the file when I talked to Judge Nixon."

Page 667: "Well, it was after I talked to him it was passed to the files."

Wiley Fairchild never moved off that point. What's it to him at this point in time? There is no hook into Wiley Fairchild, he's not being prosecuted for anything at this point. Was it not simply an effort by this man to give his best testimony? If you believe that, if you believe Wiley Fairchild on that point, a crucial point we submit, it puts the lie to Judge Nixon's testimony.

After Mr. Fairchild came Bud Holmes, and we could talk about Bud Holmes for a week if we wanted to. He's a flawed man. He's a fascinating man. A man with substantial accomplishments, substantial contributions. Successful lawyer, formerly district attorney, a successful businessman, he represents football stars, including none other than Walter

Payton, and a close, long time friend with Judge Nixon. He didn't have much involvement with the oil deal. Judge Nixon solicited his advice about Wiley and he provided it. He testified that Judge Nixon advised him that he may have a chance to invest with Wiley Fairchild, and Bud testified, and I remember my impression was that Mr. Fairchild has a reputation of also getting close to people like Governors. My advice, if Mr. Fairchild wanted him to do some investing with him, I thought it would be very, very safe, and I did not feel Mr. Fairchild with the reputation that he had would be any way that he would, any way that he would lose money investing with Mr. Fairchild.

That evidence is significant for purposes of analyzing what Judge Nixon's state of mind was during the course of his business dealing with Wiley Fairchild. Of course there was a great deal of evidence about Bud's handling of Drew's case, and unquestionably there was some unusual, bizarre things that Holmes did. First and foremost his seeking the case. He testified during this trial that at least one of his motivations had something to do with Bill Porter's fee or lack thereof from Wiley Fairchild. He testified that that's what brought his attention about the case. He testified that it was his intention of presenting the matter to the Forrest County grand jury anyway for report because it was a bust that took place in Hattiesburg, but that when Porter advised him he had not been paid, that prompted him to pick up the phone and find out what the status was. Learned Drew was not cooperating he decided to prosecute Drew Fairchild and the pilot. Is that disgraceful behavior for a DA? Well, it's disgraceful if Bud Holmes' only motivation was to generate a legal fee for his buddy, that would be an absolute disgrace. Of that there is no doubt.

If what happened here, and I believe it's consistent with Holmes' testimony, is that his attention on this case was triggered by Porter and he made the call, made an inquiry because of Porter's persistent moaning and groaning about his lack of legal fee and then handled the case fairly, well, I'm not sure that's entirely disgraceful.

Certainly Porter's conduct is disgraceful. Can you imagine a defense attorney going to a district attorney, complaining about his fee hasn't been paid and thereby generating an indictment? But Porter is not on trial and we needn't discuss that. At best, however, from that point of view, it shows him to be a man who will allow his official conduct as district attorney to be influenced by the financial affairs of a friend. And is that not exactly what he did when he passed the case to files, with the friend this time being Judge Nixon?

Let's get to that. Let's get to it after we discuss another extremely unusual thing that Bud Holmes did in Drew

Fairchild's case, and that is bring Dickie McKenzie, the local judge, out to Wiley Fairchild's office early one morning right before Bud was leaving office. Bud's testimony, I wanted Wiley to understand that there was a deal, Porter had died, I was willing to consummate the deal, I wanted a witness there, Dickie McKenzie.

Well, that's extraordinary. There is absolutely no doubt to that, to bring the Judge from the state court out to Wiley's office to discuss Wiley's son's case. Is it disgraceful? Is it criminal? Well, you heard Dickie McKenzie's version of it. I think it's highly unusual, it's highly unorthodox, but that's Bud Holmes.

Did Bud Holmes appear to be the slightest bit sheepish about either of those, taking the case from the feds or bringing Dickie McKenzie out to Wiley's office? I submit the answer is no. Bud Holmes' worldview, there is nothing wrong with either of those two things.

But is there something in the handling of the Drew Fairchild case that Bud Holmes was sheepish about? Was scurrying around to cover up? And I submit to you the answer is yes, and that was the passage of the case to the file. You've heard a great deal of evidence about that. I submit to you the bottom line, it was a legally absurd, pointless gesture. He passed the case to files that had already had a guilty plea, there had already been a plea bargain, Drew

Fairchild was slotted to testify against Watkins, Watkins was in Florida, was being processed to return to Mississippi, and right before Christmas, Bud Holmes passes the case to files. You heard Judge Weldy. Judge Weldy was the Judge in Forrest County prior to Judge McKenzie. He knew of one case in his experience in Forrest County in which a case passed to files ever came back. He knew of no case in which a man had pled guilty being passed to the files.

We analyzed this document with Glenn White, the present D. A., and Katie Matison. It contains absurd justifications. You can conclude from all the evidence in this matter, you can conclude from Glenn White that he wouldn't have done it if he were the D. A., the present D. A. You can conclude there was something very, very wrong, something very, very bizarre from Katie Matison's testimony. Her testimony was something was wrong, Bud Holmes was covering something up. You can conclude that this was nothing more than a Christmas present for Wiley Fairchild, a Christmas present, just an act, a meaningless act, of course, by the way because the case came back. A Christmas present to Wiley Fairchild that followed the visit to the farm by Judge Nixon. No other explanation to the passage of the case to the file, except that Bud Holmes wanted to do something for Wiley Fairchild.

And why did he want to do something for Wiley Fairchild? Of course we have to go back to the farm.

Following Judge Nixon's visit with Wiley Fairchild, he saw Bud Holmes. According to Bud Holmes it was an occasion that Judge Nixon came to his office. Bud Holmes' calendar, the district attorney's calendar, part of the evidence in this case. You'll note in that calendar that there are four occasions that Judge Nixon visited the D. A.'s office in 1982 after May of 1982, and at least on three of those occasions Judge Nixon when he testified could neither confirm nor deny he visited the D. A.'s office, but did confirm the fact on occasion he had visited the D. A.'s office.

Bud Holmes recalls, although he's not certain that the occasion of the telephone call was May 14th, he testified that his way of dating the call was to look back at the calendar and note that there is an indication on Thursday, May 13th, that the Judge had visited his office. He recalls that he went to a wedding May 14th, and thereby places the visit to his office on May 14th.

Now that's Bud Holmes' testimony. You'll note that he never was precise on the date, was giving his best recollection. You'll note that there were other occasions in 1982, as indicated by the book, that Judge Nixon visited the office.

Now, what does he recall? Why don't I just simply read it. He recalls that he and Judge Nixon drove out to his farm. Page 736. "Question: Who was riding out to the farm?

"Answer: Judge Nixon and I was driving. He had left his car up at the district attorney's office. And we had had, likely or not, it was a Friday afternoon, we probably had a drink up in the office Friday afternoon, maybe two.

"We was riding up to pick up the turkeys, this would have to be 6, 6:30, 7 o'clock, riding out, and Judge Nixon told me, he said, Bud, I never would have asked you to do anything against your oath of office, never asked you to do anything embarrassing to you, wouldn't ask you to do anything wrong. I said, yes, sir. He said, I was out at Mr. Fairchild's and he asked me to put in a good word for his boy, or would I say something to you about Drew. I think, I don't think he said Drew, I think he said his boy. I said, you know, well, I don't know. I don't know. What is it you want? You want an apology? I don't know, what does the man want?

"Question: Are you saying, did you say that to Judge Nixon?

"Answer: Yeah, that was about my response. I can't remember this, because as I recall this was like in May of 82, you know, when this occurred. But that was about my response, I mean I was feeling rich and good-looking and, you know, that would have been my typical type answer.

"He said I'm not asking you to do anything, I'm just saying that Mr. Fairchild asked me to put in a good word. Well, I knew Mr. Fairchild and the Judge were kind of getting to be buddy-buddies there.

"Question: How did you know that?

"Answer: Pardon?

"Question: How did you know that?

"Answer: He had told me, or Carroll Ingram had told me that they were or he told me, could a come from Mr. Fairchild.

"Question: Did he tell you why he'd called Mr. Fairchild?

"Answer: He could have. I don't recall offhand, it seemed like he might have told, somewhere during the conversation I knew there was a chance he was going to make some more oil and gas investments with him. Seemed like he said maybe Mr. Fairchild said they were going to take a trip somewhere, you know, now at what point in time, I don't remember but all this was, at that time it was nothing real important to me to really remember, so don't hold me and say it occurred on that time but general impression I had was they got to be on a first name basis and friendly. So, I took it on myself, said, well, Judge, I'm district attorney, I'll pass it to the files. And he said no, I'm not asking you to do that. Now, I'm not asking to you do anything now.

"Well, okay. We road on out to the farm, got the turkey, went inside. I asked him to come in, have a drink.

"Question: Whose house did you go to?

"Answer: Go to mine, which was out in the Barrington community. We went inside. He said that he'd come in and have a drink, if I had some Royal Salute, that's kind of a joke between us, very expensive scotch whisky, somebody gave it to me for Christmas a year earlier and I said I did. He came in, we had a drink, probably had a couple of drinks, and I had told him that I had already had this arrangement worked out with Bill Porter, the man had the same agreement that the federal court had offered, which was probation and a fine in return for his cooperation. He said do you mind if I call and tell Wiley? Or he could have said, Wiley, Mr. Fairchild. He said did he know? I don't know. I assume he did. Carroll Ingram sure knew it. And so he said do you mind if I tell him? I said no, I don't care.

"So he called him and as I recall the conversation it's something like --

"Question: Who made the telephone call?

"Answer: Pardon?

"Question: Who made the telephone call?

"Answer: He did. And he told him, he said, I'm out at, said do you remember the man we were talking about today? I'm out at his farm and he tells me that your son isn't going to jail, which was true, you know, because of the plea arrangement and I just wanted to call and tell you that. And he thanked him, told him I appreciate you letting me make some of these investments, you know, with you, and he said, you know, the judge's salary and the number of children I'm trying to educate and so forth, it was kind of hard and I do appreciate this opportunity.

"And, with that, I told him, I said let me speak to him. And I picked the phone up and I said Mr. Fairchild, I want to let you know, I hope you don't think there is anything personal about Drew and us and he said no, I never thought that. I'm real embarrassed about that and so forth and I take full blame here because Judge Nixon did not ask me to say or do this, but I told him, I said, I said I want to let you know that I want Judge Nixon to have credit for helping the boy. Of course I was misleading him because I already had the arrangement worked out with Bill Porter."

Now, is that Judas Iscariot talking? I suggest to you, if Paul H. "Bud" Holmes was out to do in his friend, Judge Nixon, he could have done a heck of a better job. He prefaced virtually everything he said in his testimony by Judge Nixon telling him, I don't want to embarrass you, don't violate your oath, I don't want to embarrass you, don't violate your oath. Why was he saying that if his point was to do in the Judge?

He testified about drinking. If his point was to do in Judge Nixon, why would he say that he had had drinks at the office, and he had drinks out at the farm? That only hurts his credibility. If he was out to do in the Judge, why would he testify that to his recollection the event in question took place on May 14th, triggering the event to a calendar entry of May 13th? I mean he's a smart guy, he's a lawyer, he knew he would be cross-examined on that point. He knew he would have to explain the wrong date. Would it not have been easier to select a date in his calendar that would have been correct? A day when Judge Nixon actually visited him?

He was accused during cross-examination of tailoring his testimony to Wiley Fairchild's to concoct a story against Judge Nixon. Is his version identical to Wiley Fairchild's? Obviously it's not. And it's not because it was his recollection, not a script, not a play, not a soap opera; it's his real life, fresh and blood recollection. I suggest we'll examine a carefully crafted script in a minute.

If he and Wiley Fairchild had said on October 20th, at 7:12 p. m. there was a telephone call, Judge Nixon said precisely this, fits perfectly well together, that would be completely absurd. That's not the way it works in the real world. Obviously Wiley Fairchild and Bud Holmes will have different recollections about an event that took place in 1982. But are they not consistent on all the crucial points? The point being who placed the call? The point being did Judge Nixon give Wiley Fairchild some favorable news about Drew's case? And the question about the time, it was before, or after the case was passed to the files? Let's face it, I mean that is a dead square issue in this case. Judge Nixon testified unequivocally that the call took place in 83. Fairchild and Holmes testified unequivocally that the call took place in 1982. Somebody is flat out wrong. I suggest to you that Holmes and Fairchild on these three points put the lie to Judge Nixon's testimony.

After the Justice Department began its investigation Holmes spent a lot of time worrying about this telephone call. He went so far as to lie about it in the grand jury, as he puts it, to cover it up. The key question, I submit, is what was his motivation in so lying? Obviously, I don't think he denied it, he certainly was concerned about his own exposure. I think the crucial question is, was his concern, did it originate from his own behavior with regard to the phone call? Or did it not concern his conduct only after the investigation began? I think the answer is obvious. If Bud Holmes had done something improper in the course of the call, would Wiley Fairchild have not so testified? I mean, let's face it, there is no love lost between Wiley Fairchild and Bud Holmes. I think it's clear Wiley Fairchild does not like Bud Holmes. He's made allegation after allegation against Bud Holmes. Yet Wiley recalls Bud's participation in this phone call to be secondary. It was Judge Nixon, according to Wiley Fairchild, who first got on the phone and first gave him the good news.

Bud's tragic error in this case is he allowed himself to be used as interference by Judge Nixon. He took his cue from the Judge that the line was going to be that Judge Nixon had absolutely no involvement with Wiley Fairchild on the Drew Fairchild case, and he carried that line right through the oath in the grand jury when he lied about the call in February, 1985. And for that behavior, he justifiably now faces a jail sentence, a jail sentence he's challenging, and a challenge that the United States is opposing.

The irony about Holmes' situation is he lied about conduct that was not criminal on his part. His call to Wiley Fairchild is no -- passage of the case to files, it was bizarre, but it was meaningless. It was important to Wiley Fairchild, but it had absolutely no legal effect on Drew Fairchild's case. It was a Christmas present to Wiley, a Christmas present motivated by the phone call wherein Judge Nixon advised Wiley that there would be a good result in Drew's case.

When it comes to the phone call, it was Judge Nixon, not Bud Holmes, who had the most to lose by its disclosure. It was he, not Bud Holmes, who was the one who sought to put a good word in for a drug smuggler. It was he, not Holmes, who was the one who was receiving royalty interests from the drug smuggler's father. It was he, not Holmes, who was the one who wanted more deals from the smuggler's father, and it was he, not Holmes, who was the federal judge.

Holmes made a big mistake. He put his friendship with Judge Nixon above his responsibilities as a lawyer and a citizen. For that mistake he deserves punishment. That mistake, however, does not make him Judas Iscariot, does not make him unworthy of belief. I submit from the evidence you can conclude under very painful circumstances he came into this courtroom with one purpose in mind, and that was at this point in time to tell the truth no matter how the chips may fall. I submit to you, if Bud Holmes wanted to do in his friend, he could have done a much, much better job. But his testimony nevertheless, corroborated by Wiley Fairchild, makes Judge Nixon out to be a perjurer.

Carroll Ingram, next witness, prominent lawyer, good friend of Judge Nixon. He testified at length, too, and he testified about the oil deal. He testified to his first contact with Judge Nixon, general discussions where Judge Nixon indicated an interest for investments and then the question on 1026: "Did the general discussions ever become more specific?

"Answer: They did.

"Question: When and how?

"Answer: Well, I would say sometime during the year of 1979 and probably later toward the end of the year he specifically asked me about the possibility of making an investment in oil properties with Mr. Wiley Fairchild.

"Question: Who mentioned Wiley Fairchild first?

"Answer: Judge Nixon did."

Of course that's inconsistent with Judge Nixon's testimony. Judge Nixon in the interview of April, 1984, also advised the government that he had no notion prior to Carroll Ingram forwarding Wiley Fairchild's name that Wiley Fairchild was in the oil and gas business.

Carroll Ingram's testimony is otherwise. Carroll Ingram testified that he was reluctant as a result of this approach but nevertheless contacted Wiley Fairchild only after some delay. He then testified at great length, he fleshed out the oil deal, talked about the notes, talked about the deeds, talked about the backdating, and he said that the purpose of the backdating was to reflect the value of the deal at the time when it was orally set, and yet he could not say that there was an oral confirmation on February 25, 1980, exactly one year prior to Skip Jarvis preparing those deeds.

I think you can conclude that 2-25-80 is a date simply picked out of the air. It was a meaningless date, it was a date picked out of the air to reflect value. I believe you can infer from that that it was an effort to make the deal look legitimate. It was an effort to set a date wherein it would not look like Judge Nixon was getting something for nothing. It was an effort to make the deal look good.

Before Wiley Fairchild's testimony, it was only after his son got in trouble that he was first approached. Carroll took it back in 1979, Judge Nixon put in back in 1979. Is it reasonable that Judge Nixon would have mentioned Wiley Fairchild in 79, early 79, and there be no deal until February or March of 1981? Almost two years would pass? Does that make any sense at all? Carroll Ingram knew about the telephone call. He knew because Wiley Fairchild had told him.

"Sometime in late fall 1982 Mr. Fairchild told me that he had asked Judge Nixon to talk to Mr. Holmes about the Drew Fairchild case.

"Question: What else did he say to you?

"He said that Judge Nixon had talked to him and Judge Nixon had confirmed that he had talked to him.

"And did he get any results from Judge Nixon?

"Well, the results he indicated to me were the results were positive, that he in fact talked to him, and those results were positiye.

"In what sense positive?

"In the sense of well being, Drew Fairchild's case was going to be okay.

"Where did Wiley Fairchild say he got this information?

"Said he got it from Judge Nixon.

"Do you have any personal knowledge of Drew Fairchild's case being passed to the file?

"I know it was passed to the files the latter part of

December, 1982, and sometimes after it was passed to the files, the district attorney's office, Mr. Holmes gave me a copy of the order passed to the files and asked me to send it to Mr. Fairchild and I did.

"Did the information you received from Mr. Fairchild about his contact with Judge Nixon come before or after the case was passed to the files?

"Answer: Came before the case was passed to the files."

Carroll Ingram also had contact with Judge Nixon about the telephone call. I submit this contact is of great importance to this case. Page 1188: "What did Judge Nixon tell you first off about his contact with Wiley Fairchild and Bud Holmes in the Drew Fairchild case?

"Answer: I believe that there's only been one statement that Judge Nixon has made with respect to the Drew Fairchild case and as I told you this morning, he made the statement to me that Mr. Fairchild had asked him to talk to Mr. Holmes about Drew's case.

"Stop there for one second if you may.

"Okay.

"In connection with that statement did Judge Nixon indicate to you that Wiley Fairchild had expressed some concerns about the handling of Drew's case?"

There was an objection from Mr. Fawer. Court said, "Proceed.

"Please continue."

Mr. Ingram, "Okay. There was a sense that Mr. Fairchild's concerns about Drew's case and that that was why he was asking Judge Nixon to talk to Mr. Holmes about the case and Judge Nixon simply was saying that I did talk to Mr. Holmes about the case and have -- and was saying that to me that he did.

"Question: Did Judge Nixon indicate to you that Wiley Fairchild had expressed those concerns before?

"Answer: I got the sense or the belief that there had been an expression of his concern before, but I don't have any personal knowledge of that. I don't know a way to nail that down. But yes, I think that his concerns had been there for sometime.

"All right. And what exactly did Judge Nixon tell you he did about Wiley Fairchild's request?

"Said he talked to Mr. Holmes about it.

"And did he indicate to you what Mr. Holmes' response was?

"That Drew Fairchild's case was okay, there was not anything going to happen in Drew Fairchild's case.

"And did Judge Nixon indicate to you whether or not he conveyed that information back to Mr. Fairchild?

"He did.

"And what did he say?

"Said he told Mr. Fairchild that I believe he called him Wiley. Told Wiley that."

Contemporaneous with those conversations, Mr. Ingram had conversations with Judge Nixon about something else. And that was further possible mineral transactions.

"Question: Did Judge Nixon make any request of you about other possible investments?

"No, he didn't make any request of me but I think he wanted me to be favorably informed and advised about it. I didn't view it as necessarily a request for me to go do something about it. I think he wanted me to be in the posture of being helpful to him if I could."

I submit you can infer from that, Judge Nixon did, he advised Carroll Ingram he had helped Wiley Fairchild on Drew's case through Bud Holmes so as to encourage Carroll Ingram to continue to be of assistance in allowing more oil investments with Wiley.

Holmes fleshed out the phone call after the investigation and conversations with Ingram. He told them about the phone call, he told them about the content of the phone call, consistent I submit with Holmes' testimony at trial. He asked Carroll Ingram if he thought the call was taped. He advised Carroll Ingram this was the only thing he was concerned about.

It's interesting about the taping question, it's possible Holmes only was interested in whether or not the telephone call was taped, and that's why he called Carroll Ingram. Bud Holmes testified Judge Nixon asked him to find out if the call was taped soon after, almost immediately after the investigation began in April, 1984. What does Judge Nixon talk to Carroll Ingram about immediately after the investigation was underway? Talked to him about the investigation, and said, call may be taped. It is Judge Nixon who had taping on his mind through his conversation with Carroll Ingram. You can infer from that, if he was concerned about the tape recorded conversation with Carroll Ingram, he would have been vitally concerned with whether or not there was a tape of his call from the farm.

I submit to you Carroll Ingram is of crucial importance. He corroborates Bud Holmes' testimony. He testifies that Judge Nixon directly from his own mouth told him that he had contact with the Drew Fairchild case through Bud Holmes and that he reported his contact back to Wiley Fairchild. And he gives crucial information as to the timing. He says Wiley told him about the call before the case was passed to the file.

Carroll Ingram, Bud Holmes, and Wiley Fairchild are different people, many instances don't like each other, but in terms of these questions, they fit together nicely. All three put the call before the case was passed to files. All three, Carroll, have Judge Nixon going to Bud Holmes and, on behalf of Wiley Fairchild in connection with Drew's case, all three have Judge Nixon getting back to Wiley Fairchild with positive news about the case. All three have the call in 1982, not 1983.

When it comes to Ingram, the truth of the matter is, I submit, that he gives Judge Nixon very favorable testimony on Count I, the gratuity count, but I submit based on the evidence, that he buries Judge Nixon on the perjury count.

There was other evidence, oil experts testifying, government expert, geologist, he says the wells were worth 53 thousand and some change in 1980, about twenty thousand dollars less, one year before, consistent with Wiley Fairchild's testimony that the wells were worth more in 1982 than 1981, consistent with -- the purpose of the backdating was to get the values lower so it would not look like a sweetheart deal. Defense expert testified, a lawyer, made no scientific study, simply said in my opinion fair market value, fair market value. I leave it to you to decide which expert was more persuasive.

Glenn White testified for the defense. I think the importance of Glenn White is that he testified that he wouldn't have passed the case to the file. He testified there was a great deal of news media each and every time there was any event in the Drew Fairchild case. Any one of those news events could have provoked Wiley Fairchild.

Katie Matison testified. I think her testimony was significant. She said Bud Holmes was obviously concealing something he knew about the case, he was covering up something, now for whom I do know know. This was a defense witness who worked in Bud Holmes' office, who had the perception that Bud Holmes was covering something up. What was there to cover up in the Drew Fairchild case by Bud Holmes if it was not his connection with Judge Nixon?

Judge Nixon testified. Judge Nixon is an extraordinarily bright man, he's an extraordinarily smooth man. I submit his testimony was carefully crafted, carefully rehearsed, it blended in with Wiley Fairchild when it could, parted way with Wiley when he had to; he blended in with Carroll Ingram when he could, parted ways when Judge Nixon said he called me and told me that he had had contact with Bud Holmes about the case.

He also testified that he was a man in dire need of investments. I submit that people in dire need of investments all should have a net worth of almost three quarters of a million dollars. He presented a picture of an arms length transaction with Wiley Fairchild with a transaction in which the only way he would make money would be for money to come out of Wiley's Fairchild pocket. He was relying on a man he did not know to put him in a good investment. The only way it would have been a good investment, if Wiley conveyed property to Judge Nixon that was more valuable than what Wiley Fairchild was receiving. Is that an arms length transaction?

Let's get to the real heart of Judge Nixon's testimony and find out whether or not it makes any sense. He said he stopped by Wiley Fairchild's office, Wiley Fairchild makes this shocking allegation that his friend Bud Holmes and perhaps Carroll Ingram were blackmailing him, and that there was another defendant or another smuggler who had not been prosecuted. At that point Judge Nixon did not know Wiley Fairchild well, one or two meetings, handful of telephone calls, perhaps his entire life he had an hour's worth of contact with Wiley Fairchild. Yet Judge Nixon came to the conclusion that these allegations were nonsense? How did he come to that conclusion?

Here was a man who he trusted enough to put his money with; he was a man who he thought was sophisticated enough in a very sophisticated business to seek to make more investments, and yet the man makes an allegation, the Judge doesn't pursue it any further, comes to the conclusion it's nonsense. Is it not more reasonable to conclude that Judge Nixon interpreted what Wiley Fairchild was saying as a request to go to Bud Holmes and take care of Drew's case?

Of course he did go to Bud Holmes immediately following that. Was it just a coincidence, as Judge Nixon testified, that he had already set up a meeting with this alleged blackmailer? He testified he went out to Bud's, had no intention of talking about the blackmail, but it just, sort of slipped out, and that was that. Is it not more reasonable to conclude that he went directly to Bud Holmes to talk about Drew's case?

Judge Nixon testified that after he told Bud about it, Bud wanted to talk to him about it, but he didn't want to hear. Does that make any sense? He receives this charge that his close friend Bud Holmes is a blackmailer. For whatever reason it slips out, he tells Bud, Bud -- what's the natural reaction of Bud? Someone calls Bud a blackmailer wouldn't there normally be a response? Wouldn't a close friend want to hear that response? But Judge Nixon, no, he didn't want to hear that response, because Judge Nixon said Bud can talk for an hour. There was times when there was an effort to portray Bud as the village idiot. You make a decision whether or not that's accurate. You also make a decision whether or not it's reasonable for a man to say to his close friend Wiley Fairchild says you're a blackmailer and then refuse to listen to the man's response. Is it not far more likely and far more reasonable that following Judge Nixon's first conversation with Bud Holmes there in fact ensued a discussion about Drew's case wherein Bud Holmes brought Judge Nixon up to speed on what had happened in the case?

Then, of course, there is the call. Who had a motivation to call Wiley Fairchild? Well, who had the oil deals? Who wanted more oil deals? Who was to get back to Wiley Fairchild? I submit the evidence is consistent with Wiley Fairchild's version. I submit that's what reasonably makes sense. Judge Nixon's assured by Bud Holmes nothing untoward would happen to Drew and Judge Nixon got back to Wiley and gave him the information. I submit if you conclude that Judge Nixon on the witness stand did not tell the truth about these events, as I believe you must, using the government's evidence and your good common sense, you must conclude that there is but one reason for that, and that is the truth from the witness stand from Judge Nixon would make him a perjurer in his grand jury testimony.

There is something interesting about Judge Nixon's version of Bud's reaction to his information that he was alleged to be a blackmailer. According to Judge Nixon Bud Holmes said the SOB is paranoid, he thinks everyone is after his money. Who was after Wiley Fairchild's money in this case?

Judge Nixon testified that he was disgusted by the fact that Bud called Wiley Fairchild. I submit you can conclude that Judge Nixon was not disgusted but he was embarrassed by it. I submit he knew that it was wholly inappropriate for a federal judge to be seeking to help a smuggler in any way because of an economic relationship he had with the smuggler's father. What was he doing when he was putting in a word for Wiley Fairchild's son? He was helping an alleged smuggler -- not an alleged smuggler any more, a convicted smuggler who he had never met, about whom he knew nothing, about a case he knew nothing.

It was for that reason Judge Nixon did not disclose the true contents of the call in April, 1984 during an interview; he did not disclose the call to his attorney prior to going into the grand jury; and he did not disclose it in the grand jury. Even after there was a specific question posed to him about what was going on in his meetings with Wiley Fairchild, he never volunteered the true nature of the telephone call after the grand jury, even though he learned that it was of great moment in the investigation.

It was for that reason that he met with Holmes in his car in the dark in the parking lot outside this courthouse in February of 1985. If there was not something going on about that phone call involving Judge Nixon, would he in a million years have submitted to that? Why did he not simply say, Bud Holmes, you want to see me, you come to my chambers, I have a jury out. You want to talk to me about something you can come to my office, but instead they go to his car, they sit in the dark and they discuss the phone call. He was embarrassed by the phone call, and he made a decision not to testify truthfully about the phone call, and I submit to you he's not testified about it truthfully to this day.

You may conclude from the evidence that Judge Nixon sought a favorable business relationship with Wiley Fairchild. You can conclude from the evidence that he reached out to the man that he never knew -- incidentally, something he denies doing -- and he structured a deal with Wiley Fairchild that if successful would only take money out of Wiley Fairchild's pocket. No negotiations, no discussions, only met the man with whom he was conducting the business after the deal was consumated. The backdating, no legal effect, had no economic effect. Had one reason only, and that was for appearance's sake. Judge Nixon puts his name on a document that had a false date, he was so eager to enter into this deal he agreed to pay interest for a year when he didn't have to and he was not interested for that year until this investigation got underway.

The consideration, was it appropriate? I refer you back to Wiley Fairchild's statement that in this case he didn't want it to look like a hundred per cent gift. Help? Help if I can, I'll tell you if I can't. What was he talking about? Was he not talking about something in his official capacity? To this day, over 50 thousand dollars worth of profit to Judge Nixon, and the sum grows each and every month.

The question for you, if Joe Blow on the street called Wiley Fairchild, I'd like a deal, is there any way in the world Joe Blow would get such a deal? Or was this a deal sought by a judge, given only because he was a judge, and looking to the Judge for official favors?

There are separate perjury charges in this case. Count II talks about -- why don't I get it so I'm precise. Count II the question was posed, "Did Wiley Fairchild ever discuss the case with you?" Judge Nixon, "No, not to the best of my recollection. I think I would recall that if he had, believe me, but I don't recall that he ever did." What was Wiley Fairchild talking to him about in his office if it was not the Drew Fairchild case?

"Did Wiley Fairchild ever ask you to do anything vis-a-vis his son's case?"

"Absolutely not." Wiley Fairchild testified he did not make a specific request of Judge Nixon. Judge Nixon told Ingram and told Holmes, however, that Wiley Fairchild did.

Count III. "Did he ever --" excuse me, Bud Holmes "ever discuss the Drew Fairchild case with you?

"No, not to the best of my recollection. I think I would recall if he had."

What were they doing and what were they talking about at the farm? And why, if he didn't discuss the Drew Fairchild case, did he so say to Carroll Ingram?

Count IV, Judge Nixon makes a statement after his questions. He was asked if he had anything else to say. "Now, I have had nothing whatsoever officially or unofficially to do with the Drew Fairchild criminal case in federal court or state court." I submit to you, Wiley Fairchild, Bud Holmes and Carroll Ingram all put the lie to that. "But I never handled any part of it, never had a thing to do with it at all, never talked to anyone, state or federal, prosecutor or judge, in any way to influence anybody with respect to this case."

Again, consider Wiley Fairchild, consider Carroll Ingram, consider Bud Holmes. All three come together to establish that Judge Nixon was attempting to hide the phone call from the grand jury. All three at this point in time have no motive to lie, have nothing at stake, whereas Judge Nixon has everything at stake.

I told you in the opening that this case has two tracks, the oil transaction, Drew Fairchild's case. Skip Jarvis, and unquestionably for a period of time the government believed that there may be a connection between those two tracks surrounding the initiation of this transaction. I think at this point it's clear that there is no such connection at that point. But I submit to you that the tracks come together later, and they come together when Wiley Fairchild wanted some help after he became very dissatisfied with the way the case was being handled. I submit to you the tracks come together when Judge Nixon puts in the good word for Wiley Fairchild with Bud Holmes.

I think it's agreed by everyone in this courthouse that justice and only justice is to be the result of every and all criminal cases. The path of justice is truth. I submit to you that the truth in this case is that the defendant used his office to dip into Wiley Fairchild's oil and gas poftfolio. I submit to you he sought to further ingratiate himself with Wiley Fairchild and he sought to do it by putting in a good word with Bud Holmes about Drew's case. I submit he did not want this assistance to see the light of day. I submit he testified untruthfully about his relationship with the Drew Fairchild case in the federal grand jury. And finally I submit to you, ladies and gentlemen, justice in this case will come with a verdict of guilty.

Thank you.

BY THE COURT:

Members of the jury, let's take a short recess, and then we will resume.

(Recess.)

THE COURT: Defendant may proceed.

BY MR. FAWER:

May it please the Court. Ladies and gentlemen of the jury, we have been together a little over two weeks now, maybe a little longer than each of you envisioned when this case began. To the extent that I in any way am at fault in prolonging the trial, I apologize. If I have appeared too fervent in the defense of this case, I unashamedly plead guilty, but I consider no responsibility more solemn than that of defending a man charged with committing a crime. He is entitled to every ounce of my strength. I only pray God that I have discharged that responsibility in this case.

At the outset of this case, at the outset of the trial I explained just how meaningless an indictment was as a piece of evidence. No trial has ever more aptly proved that point. Two weeks ago, Reid Weingarten stood before you and pledged to prove beyond a reasonable doubt, a word I have yet to hear from his lips today, that Judge Nixon received a gratuity with the intent to misuse his position as a federal judge and that he lied before the grand jury. It has taken two weeks and a little bit out of each one of our lives to put the lie to those allegations. Were the trial of a criminal case not so serious a matter, we could view the manner in which the government's proof has virtually crumbled before your eyes as almost laughable. But we are engaged in the most serious endeavor of our lives, and there is nothing as serious as sitting as a defendant in that trial. If we smile it, is only to maintain our sanity. But we who sit at that table, I have a deep and abiding faith in our jury system. I firmly believe that a jury composed of people such as you can simply smell the rank injustice that pervades this prosecution.

Ask yourself, is there something not radically wrong when this government intentionally distorts the facts of the case to fit their preconceived version of what occurred? There is something radically wrong when the government decides in advance who is guilty of wrongdoing, and then offers rewards in the form of plea agreements and immunity to those who would save themselves by telling the government precisely what they want to hear. And there is something radically wrong when the prosecution in its zeal to convict a sitting federal judge conceals facts from you that point to the innocence of Judge Nixon, and there is surely something radically wrong when the government, which the Judge will tell you has the burden of proving guilt beyond a reasonable doubt, chooses to ignore and tries to keep from you evidence which demonstrates beyond any doubt that its own witnesses are lying.

Let me just mention a point. He asks why, why would Wiley Fairchild lie? Do you remember when Wiley Fairchild, out of his own lips, this old man whom they have a hook into, goes to the government? The first things he tells them, and they love it, they couldn't wait to hear it, about this Preacher Shows, and his son Billy Ray, and how that man was supposed to have bribed Judge Nixon and Bud Holmes and they split a fee for getting a reduced sentence, and Reid Weingarten took that information and put it into a grand jury so that he could prejudice the judge and prejudice Bud Holmes. Admitting in this courtroom, we brought a document in here to prove to you, Judge Nixon never had a thing to do with that case. It was simply this old man selling whatever he could to the government at whatever cost. It's the first thing he told them when he walked in on November 12th to cut a deal. He made up a story. And from there the rest of it was easy. He found himself a recipient of anything he wanted to tell them.

Look, I'm an advocate. I am arguing a case for my client. I believe fervently in his innocence. But I cannot present evidence. What I say is not evidence. You have heard the evidence. When you go into that jury room, if what I say makes sense to you, take it back in there. If it doesn't make sense, reject it. I ask you to do that. But we'll look at all the facts and see where justice and where truth lies. .

If you want to know how what I just described to you can happen in this case the answer is simple. Until the trial of this case began no one, think about it, no one associated with the prosecution had the slightest interest in testing the truthfulness of their own witnesses. The prosecutors were only too willing to blindly accept at face value what it wanted to believe told them, particularly just as long as it concerned those that they targeted for prosecution.

But they forgot two cruel facts. They would have to sell their distorted scenario to twelve people like yourselves with the -- with a great deal of common sense and the experience to realize when they are being sold a bill of goods, and secondly, that in a trial these same twelve people, these finders of fact would have the advantage of seeing the witnesses, all the witnesses, tested by the greatest invention, the greatest engine ever devised for getting at truth: cross-examination.

I am a volatile personality. I know I can be passionate, but I will try for the next hour or two, and I beg you to give me your time. We'll split for lunch, you'll have a time to go to lunch in the middle of it. Listen to me. It's the only time I have to talk to you. If I don't represent what's accurate, reject it. I will try to be as dispassionate as I can.

I couldn't believe what Reid Weingarten said. He ended up by telling us, remember the two tracks? Well, they now admit they don't come together. The oil deal has nothing to do with Drew Fairchild. It never did. Do you realize what that concession means in this whole prosecution? This whole investigation was misconceived. It is a prosecution in search of a crime, and they want you to be a party to it. That's what it is. Because if the two don't come together early on, then what is there to this illegal gratuity count? You'll see what I'm talking about.

I want to get away from the supposition engaged in by the government, by Mr. Weingarten, the speculation, the kind of mindset that they picked up from Jarvis and then propelled into this outrage.

Let's just stop, let's go back to 1979 and see where we are. I use that date because both Carroll Ingram and the judge make it crystal clear that the events begin there. That that's when the entire transaction with respect to the oil and gas venture began. In 1979 what do we have? You have a 51 year old judge, Judge Nixon, he's earning 54 thousand dollars a year at the time. He has been a judge for eleven years, he has a reputation as a fair-minded, conscientious, quite brilliant jurist. He has left an extremely lucrative practice in 1968 to become a judge.

Three years before the period, before 79, he has remarried. He and his wife have five young children between the ages of two and -- teens, one of whom happens to have a costly medical problem. Over the years he has neglected his personal financial position, so he has little earnings outside of his salary.

No one is making light, 50 thousand dollars is a substantial amount, but by the same token, it is, when you have five children, and debts -- any one of us, what is wrong with wanting to supplement your income? I would submit each one of us does, and thinks about it, particularly when the education of our children is concerned. He knows many of his friends have outside sources of income, and he also knows that federal judges, many of them in the Southern District of Mississippi, supplement their income through real estate and oil and gas investments.

He also knows something else, it is perfectly proper under the code of judicial ethics for a judge to make an investment. There is a book that guides what a judge may in all propriety do; judge may make an investment just like any other ordinary citizen.

He speaks to his friends. Some are lawyers, some are not. Robert Stockett, a Jackson businessman; Gene Wilkinson, an attorney in Jackson; Mr. Biglane, Jim Biglane, Natchez banker; Bill Pittman, a Biloxi banker; and Carroll Ingram, Hattiesburg attorney. He talks to all of them about investing in some type of venture they may know of or hear about. He broaches the subject with all of them unashamedly. I don't know why he should be ashamed. The discussions with three of those individuals result in investments, all oddly enough in 1981. They begin in 79, they culminate, culminate, just so happened in 1981 is the date of the actual investments. One with Mr. Stockett, one with Biglane, one with Carroll Ingram. And in each case as you've heard, Judge Nixon finances the investment, each time. The one with Carroll Ingram, however, leads to this nightmare.

Who is Carroll Ingram? In 1979 he's a 40 year old lawyer, state senator, he's serving his last term in office by choice, he is a personal friend of Judge Nixon. From 70 to 79 he is in the senate, in session in Jackson. His last year is in 1979, and that's how Carroll Ingram you remember dates when these conversations began, because it was his last year in the legislature, and he has a firm fix that that was when Judge Nixon mentioned the investment question to him. They were having dinner -- both Judge Nixon, Carroll Ingram testified to this -- where they don't recall, and Judge Nixon mentioned to him his financial situation and his desire to invest. He inquires of him about the investment possibilities, and Carroll mentioned if you recall, that he himself is involved in a savings and loan there, might be some future for investing in that down the road, but there was nothing at the time. He mentioned a client, because Judge Nixon mentioned he knows Judge Russell, Dan Russell invests with DA Biglane in oil and gas ventures; in that connection Carroll simply mentioned he had a client in the oil and gas business, but he doesn't say anything more, he does not propose to Judge Nixon that there be an investment. Up until that point, all Judge Nixon knew about

Fairchild is that he had been in, he was in the construction business, he knew nothing about the oil and gas business.

By the way, the judge recalled that's how it came about, how how the Fairchild name got first. Carroll says he thinks Judge Nixon mentioned it. What difference does it make, what difference does it make who mentioned it first? There is no question the judge mentioned it the next time he had the opportunity, suggested the idea to Carroll of talking to Fairchild about the investment. There is no quarrel about that. In any event, that's just an innocent difference in recollection. Not all such differences in recollection, as you will see, are as innocent as that.

In the period, first two months of 1979, what does Judge Nixon do? The same thing you and I would do. Name has been mentioned, he goes and checks out who Fairchild is. He talks to various people in Hattiesburg about it, including Bud Holmes, who you know he's close friends with. What was he told? He's a very successful oil and gas man, he's a large political contributor, makes a lot of charitable contributions, is something of a recluse. Bottom line, you couldn't invest with a better person than Fairchild.

With that information Judge Nixon goes back to Carroll when he's next in Jackson, sometime, again, Carroll and he are identical on this, first three months, early part, in the session, 1979, and Judge Nixon mentioned the possibility of

Carroll broaching the idea to Mr. Fairchild. Carroll says he'll mention it, and Judge Nixon simply let's him know what he would like to invest. The amount he's talking about is in the neighborhood of ten thousand dollars. Everything I have just recited is categorically confirmed by both those men, Ingram and the judge.

He doesn't hear back from Carroll. He calls him. I mean I don't know that there is anything wrong in calling, he's interested in the investment, Carroll hasn't come back to him, Senate is still is session, I don't know that Carroll had a chance yet to be down in Hattiesburg, but after several calls Carroll calls the judge in the summer of 79 and mentioned it to Fairchild and that Fairchild told him he would be happy to let the judge invest in an oil and gas venture with him. Simple as that. Carroll testified to it point blank, he's the only one aside from Wiley who confirmed it exactly. Judge is pleased, he asks where do we go from here, Carroll simply says wait, we'll hear.

Again there is a period of delay, the judge again calls. Thereafter, sometime in late 79 according to Carroll, maybe early 80, that's the framework, he called, Wiley Fairchild calls him and tells Carroll -- not the judge, they have not met. Tells Carroll I have the investment that we discussed for the judge, and he names the three counties, the amount of acreage, and the total amount of ninety-five hundred.

Now, understand, without any discussion between Nixon and the judge, Wiley confirms this, tells this to Carroll, sets the price, the acreage and the location. What's wrong with that? What is wrong?

By the way, there is a document in evidence -- let me find it some place, it has to do with the amount of money -- here it is. Why would he sell it? You've heard people all the time sell off pieces of their own investments. This document, Defendant's Exhibit 25, dated much later, describes the amount of money, what the profit was that Fairchild was making by selling it to him for ninety-five hundred. On each of them he was making over, in excess of a thousand per cent profit, between a thousand per cent and eight thousand per cent profit. He had bought these for a pittance. He held a huge interest in them, he was in effect selling a small piece of them off to the judge, at a profit, huge profit.

At that point nobody, there is not, there is no, nothing is on line, there is no production. You know as well as I do it is a risky business. But the man decides to sell it and does, and he tells this to Carroll, and what does Carroll do? He makes notes of just the relevant information and puts it in his drawer and calls Judge Nixon up. When he tells it to him, what the judge says, what do you mean, no, I don't know a thing about it, you know this is a gamble, you know that as well as I do, but I'll tell you, I would assume that Mr.

Fairchild has picked out what he considers are potentially good wells. That's where it's left. The only thing the judge tells him, and Carroll testified to this, is he needs, the judge tells him he needs some advance notice to arrange his financing, that's the only thing he needs. Because he can't take the money out of his pocket, he doesn't have that kind of cash flow, all he needs is some advance notice.

By the way, this nonsense about his net worth statement, do I really need to go into that with you? A man has basically, might have a car, that's not cash you can spend. A house, he had a building he couldn't get rid of for years, what his cash came down to, he was living on his earnings, he had a total amount of liquid assets in the bank of twenty-three thousand dollars. What Reid, what he would have you believe, does he really think you're idiots? I mean, isn't it an insult to think you don't understand what a net worth statement is? The man, uncontradicted is the least successful, the least wealthy of the federal judges. Has anyone sought to come in here and contradict that fact? If the judge was lying, you assess his credibility on the stand, he sat here and subjected himself to examination for two days or more. You assess that man's credibility when you go back into that jury room.

Let's keep going. In any event, again time passes, we're in early, the latest we are, early 1980. Bear in mind the name Drew Fairchild -- there is no drug bust, there is nothing. Do you realize what position I'm in to have to argue a case in which they now come in and concede the foundation of their case was nonsense? How would you like to have been in this case, in the courtroom, where for eighteen months the government was screaming, you backdated deeds to cover up an investment to help Drew Fairchild, and then comes in here today, after we had to put the lie to him, you know those two tracks don't come together. Maybe you don't like it, like a Chinese menu, you don't like that, let me show you another. Maybe I can mislead you some other way.

I apologize for what the government does in this case. You'll never be the same. You will thank yourselves you were chosen as jurors in this case. Because you have an opportunity that you will never again have in your life, and while you're seeing some parts of the government that perhaps you didn't want to see, you're getting a chance of seeing and being a part of the system at its best. You're acting as jurors in this case.

In any event, in early 1980, Carroll calls the judge let me mention something. The judge puts the first meeting with Carroll, excuse me, with Wiley Fairchild in early 80. There is not any dispute that all this was was a meeting in which they get together, Carroll brings him to Wiley Fairchild, the judge's recollection is they would have, brings him to his office. There is some chit chat, passing, just sort of inconsequential discussion, Wiley asks him why he wants to invest, that he's, he's happy to let him invest, want to know a little more about it. He heard something from Carroll, the judge explains to him about his needs for additional money to finance the children's education. Wiley indicates he thinks that's a really worthwhile idea, explanation again it's a gamble, but thinks he's picked out some good wells.

He's met for the first time as Reid Weingarten says, a 70 year old man who is used to getting his own way, he's uneducated, basically he's street smart, shrewd, has some strange ways of thinking perhaps, not very articulate. And I think I was exceptionally -- I tried to be as extremely fair as I could be in examining him during the course of this trial, because I think we know, if anyone has a weak aspect to his mind, it's his recollection for when events occurred and precisely what they were all about. We'll come back to that.

Let me mention something. The judge says that occurred in early 80. Wiley Fairchild says it's in 1982 was the first time they meet. Carroll said he thought it was right after the deeds were signed in 81. From the judge's point of view -- think about this -- it is to his advantage to make the meeting after the deeds were signed. That way he couldn't have any conversation with Wiley Fairchild where it could be interpreted as anything being said of a sinister nature. All he had to say, yeah, I think they are right, it would be in late 81 or 82. Think about it. But what does he do? He comes in here and he tells you categorically he believes that the first time they met was back in 80. Sometime after he was told about the three locations, the amount, and the acreage -- wasn't told about the acreage and the location.

Now, all I'm pointing out, why would he want to tell you that which is opposed to his own interest? If he was here to tell a lie, rather than telling you the truth which he did here, his recollection as it took place in early 80. Of course it's long before there is any, I don't know why I have to even come back to it, we all know this whole Drew Fairchild drug bust had nothing to do with the oil and gas investment. I have to go through it; this is the only chance for you to understand just how baseless that charge is.

In any event, again, there is some delay in time, the judge asks Carroll on several occasions when are we going to have the documents signed? Carroll basically tells him, he's not a man you press, take your time and you'll get the deeds in due course. The deal is done, there is no problem about it. And the judge simply just reminds him he needs some advance notice on the financing. Carroll does speak to Wiley, mentions to him that the judge needs some advance notice and Carroll is told by Wiley that he will carry the paper, and that is told to Judge Nixon, which is fine with him. In other words, Mr. Fairchild will make him a loan on it. That's it.

At the end of February of 1981, what occurs? The deeds are sent over to Carroll Ingram, you can look to two people's testimony. Wiley and Carroll. And Carroll is, I mean he's right there, he's giving you absolutely unimpeached testimony. The deeds come over from Wiley Fairchild to his office, Carroll pulls out the notes he's made, sees that there is a problem. The acreage on the deeds is wrong according to what Wiley had told him before. He calls Wiley up, says there is an error on the amount of acreage, plus we should not date it now, we should date it back to when the agreement was made. Which was back about a year, a little more ago.

Wiley just agrees. It's not a big discussion because Carroll recognizes and told you, the value could be higher or lower in February of 1981. He wanted to go back to the value that Wiley had set on it when the verbal agreement was made. Let me just show you something. When Jarvis telephoned Wiley, by the way, in April of 1984 when he has the bug on him, and goes in to see Wiley, do you recall that testimony? There is a telephone call that's made, he leaves and then phones Wiley, I want to ask you something else. And that's in evidence right now. I want to read you a slight portion, and there is Jarvis, as he refers to him James Bond, I have a few other words, I wouldn't use it. You saw Jarvis. That's the person that the government allowed to direct this investigation. That's the person whose story they believed in this thing. Now they tell us they are sorry.

"Jarvis: You know you said they were asking about that stuff on Nixon. I don't know how much that royalty is producing, but it can't, is the cost, those twenty-five hundred dollar notes, talking about the three notes totaling ninety-five hundred, is that anywhere in the ballpark what that stuff was worth?

"Fairchild: When this deal was made, when the verbal deal was made, hell, yeah."

There is no reason in the world why Wiley would be lying at that time. He doesn't know he's being taped, there is no investigation as far as he's concerned of any of his conduct. Next page. Same telephone call.

"Fairchild: But, excuse me. Like it happened, a deal is made way before the papers is drawn up, see.

"Jarvis: Oh, okay, and I -- a, and as there -- I assure you the deal was made when that was legitimate, that was legitimate, see." That was Wiley's testimony two years later.

It is absolutely borne out by the facts. He had set what he deemed to be an absolutely fair price. For them to come in now and suggest, how would Nixon -- would any of you know? Would you know what is a fair price for those three wells? There is not a business discussion, Carroll said so. Wiley Fairchild, as far as Judge Nixon knew an honorable man, set the price. He had no -- and that price was within the range of what the judge was willing to invest, and that's where it is.

You know, do you remember something in the opening statement, I don't even want to be wasting my time, Reid Weingarten said Carroll then called Wiley back and said raise the acreage. That was a theory that he advanced to you, raise the acreage, the judge wants more. That was in his opening statement.

In other words, don't take my word for it, this gentleman transcribed this is where it comes from. In other words, give more to Judge Nixon. Did you hear one word of that in this trial? Did you hear anything coming out of Carroll Ingram's mouth about it? But he said it. He tries to lead you to believe that's what occurred, this was a shakedown by Judge Nixon, and Carroll Ingram is a party to it. Nobody ever questioned him when he was doing the same thing in the grand jury. Just lead him down a path, tell them things that have no basis in fact, but this is where it ends, right here, with the twelve of you.

In any event, Carroll sends back documents, Wiley tells Jarvis to change it. First time we hear Jarvis -- nobody knows about the mentality of that human being at that time -- the document, acreage is changed, as it should, to make it conform to the original deal, three acres, five acres and three. Three in Marion, five in Covington, three in Mobile

County. They are sent back with the date, February 25th, 1980. The judge had nothing to do with selecting that date, Carroll had none. Wiley Fairchild had Jarvis put that date down. It approximates the verbal deal. Nobody remembered exactly when it was. Everybody concedes it's approximately when it occurred. Six months before there is a drug bust. And they knew that in the grand jury, and they just, it didn't satisfy the story they wanted to believe.

They sent them back to Carroll, Carroll prepares the notes totaling ninety-five hundred, he calls Judge Nixon, tells him he has the conveyances, Nixon says, he had not been told about the financing being carried by Wiley by Carroll, as I recall, at least he didn't remember it that way. Carroll tells him, the judge says he needs some time to get the financing, Carroll says Fairchild will carry the financing at ten per cent interest, judge says that's fine, told they are three year notes, makes arrangements for Carroll to come by the next time he's down on the coast to get them signed.

The judge at that point in 81 had absolutely no knowledge of the value of those, he didn't know, he knew as much about those three wells as each one of you did at that time. He just knew he had an interest in them. He had no idea of the value. He knew he was paying ninety-five hundred, he assumed he was paying a fair price, why should he not? He was dealing with Carroll Ingram and through Ingram with Wiley

Fairchild. Everything you heard about Fairchild he was a successful, knowledgeable oil and gas man. He was not expecting the man, not expecting the man to be giving him a gift, and he didn't give him a gift.

You heard -- what did Carroll Ingram tell you? If those wells, all three of them, one we know turned out to be a bummer. If all three of them were and there had been no profit on that at all, no checks coming up, Carroll told you Wiley Fairchild would have collected every penny of the ninety-five hundred, plus every penny of interest owed to him from the federal judge. That's what Carroll told you. They would suggest that that wasn't an arms length transaction.

In any event, Carroll goes down to the coast, brings the copies of the deeds, gives him the notes which he has conformed to a February 25th date, the judge is given them, reads them over, and he questions, why this date, and Carroll explains that he had asked Wiley to backdate them so that the date conformed to when the agreement was made. Made perfect sense to the judge, nothing insidious, remember, even they concede it had nothing to do with Drew Fairchild.

What in the world could be insidious about the backdating? I'm waiting to hear it from someone, somewhere, some time. We know, you will hear from the judge, backdating is legal under Mississippi law. The only effect of signing the document is it is not a legally enforceable agreement until you sign it, until you get the documents signed. That's why the judge had been asking Wiley through Carroll when are ye going to sign the papers. But the backdating is as innocent as anything that occurred and nobody contradicts that in this courtroom. I just read to you from Wiley Fairchild's statement back in 84 to that effect, he said the same thing here.

Another point. The judge is given copies, he asks Carroll would he have them recorded in the counties because that guarantees, it protects you against anybody else claiming an interest in it. Recording is important, it's a public act. The judge puts it on the public record, lawyers from all over are in those courthouses every day checking titles. He makes it a matter of public record. His name is on those documents. What else -- there has been a suggestion -- by the way, it's recorded in April of 1981.

In May of every year, as you know, of each year a judge has to fill out a form, it's a disclosure form. There's been some suggestion, I think it was Jarvis, they were a little nervous about the fact this came out from Jarvis, because it makes no sense that -- the reason for the backdating is so, in connection with the disclosure statements. I mean that's ludicrous. If you're going to hide something, really want it to look like you're hiding something, then it should be on the 1980 disclosure statement, but it's not. It's not on it, because it was not legally enforceable until 81. And in 1981 by the way, he had plenty of time, up to May of 81, he already had the signed documents in March of 81. In April they are filed of record in the courthouses, he easily could have put it on his 80 disclosure statement if he wanted to. He didn't do it. It wasn't until the next year that it's on the disclosure statement, together with his other investments and the three other interests that I mentioned to you.

Coincidentally, one of those other three investments, by the way, which he's making at the same time, here they are, purely by coincidence. The other investments, they are in evidence, just a summary chart. Just the ones other than the oil and gas ventures, ladies and gentlemen. Oddly enough, you have one February 26, 81, day after these deeds were obviously prepared in Wiley's office; coincidentally you have it, the nine thousand, money was borrowed, losing investments. Six thousand invested totally in May and August of 1981 in this well, losing investments.

And then we heard about Geosouthern, where the lawsuit had begun, the judge had invested, borrowed ten thousand dollars and later in 1982 had to sell it because the litigation that grew out of it would not have been proper had he remained the plaintiff in a lawsuit in the very court in which the suit was being litigated. You tell me those are the actions of a man who has committing a crime? All of it recorded.

This man was simply doing what he had set out to do, make some investments. Are these other investments from lawyers who are pressured? They are not. No more than was Carroll Ingram or Wiley Fairchild. It is the action of a man who basically is preoccupied with his job. I'm not trying to get you to think this is the best man in the world, he is not a saint, but he is a fine judge who has spent his years dedicating it to being a fine judge, who realizes he has a personal life outside it, an obligation that needs to be met, and he goes about finding the best investments he can, not very successfully, but does make one investment with Wiley Fairchild where two of the wells are successful. Would you imagine in 1981 that this man ever would have thought he would end up having to defend those actions in a federal courtroom in which he normally presides?

The government's theory of backdating to conceal something done after Drew's case is so nonsensical, I don't know why they don't throw up from saying it. But they came, you look at that indictment. You remember the questioning in the grand jury. Is there any question in your mind that every word that was asked was the suggestion, picked up from Jarvis, that there was a connection between it? Is that not what he thought he was being interrogated in the interview in the grand jury, and you recall the press release, which I insisted we read to you, where it's clear what is going on in this community is the suggestion that this federal judge, they don't say wait, that's not it at all, we don't have anything about that, but the suggestion that he had fixed the Drew Fairchild case, he had done something improper with the Drew Fairchild case, and was hiding it on the oil and gas transaction. Now for the first time, eighteen months of hell later, they come in here and admit to you that's nonsense. I don't care -- may God forgive them; I don't. Pardon me.

In May of 1981, around that time, in the spring, there is another meeting between -- remember what Wiley Fairchild, this man, I mean I sat here and looked at him and watched him as long as you did. He appears to be an individual who doesn't have a lot of friends, knows a lot of people, I don't doubt he likes the idea of being close to people. Close in the sense of being able to pick up a phone, which he didn't as you heard him say, and have the man call and have some relationship with people who -- this is not, I'm not being critical -- who are better educated, hold public office. That's his way, it's what makes him tick; fine.

He had asked Judge Nixon to stay in touch, drop in on him once in a while. Judge Nixon did that. In May of 1981 he was in Hattiesburg, called him up and dropped in on him and they had a conversation. Judge Nixon told you exactly the same thing Wiley Fairchild told you. And they talked about hunting. Judge Nixon asked about the wells. Judge Nixon asked about the wells. He was told they are not on line yet, I'm still very optomistic, things are looking good, we haven't gotten any definitive word. When he gets up to leave he says, "If I can help you I will, if I can't I'll just tell you I can't." Nobody, Wiley Fairchild, nobody puts any sort of sinister interpretation on that.

You know, judges are not like you or I. You can do, you want to go to a bookie parlor, you want to do things, you want to be seen in bars where there are disreputable people, that's fine. Judges really have a problem and they have to draw some lines. But you and I, I may not -- I'm a lawyer. But by and large, people who aren't lawyers, aren't judges, don't realize -- do you know a judge can't give you legal advice? Even if you're friends, do you know he can't recommend a lawyer to you?

When you're talking to an ordinary lawyer, layman, just a citizen, you sort of want, you get into the habit of doing certain things. If they begin, if the person starts talking about something that's really off limits, the person doesn't know it, you don't want to be rude to them as a judge, you heard -- you sort of listen and try to move away from it as quickly as you can. Or you try to put them on notice when you're dealing with them that there are limits to what you can do for them, even though you're a friend, and that he, Judge Nixon, will tell them if he can't do it.

But the government comes along and prefers to say that's a sinister thing to do. I suggest to you it is the perfectly proper thing for the judge to have said at that time. But you see, it was that kind of innocuous statement that the government now ascribes criminality to, says, see, that's what led to the telephone conversation later on. Shame on them.

Let's talk then a little about it -- I mean they have conceded now Drew's case had nothing to do with this, but we need to talk about it because it bears on some dates. It has some things to do with recollection. So let's talk about it for a few minutes.

I have a tendency to talk on. As you most likely have realized from being here, there is some limitation to my time. I'm trying to keep track and attempting not to bore you.

Let's go. What about Drew's case. Yes, it was a drug bust in August of 1980. Drew and Wiley were not even speaking at the time if you recall. Wiley had kicked him out of the office in mid-79. Drew's over at the airport, Wiley's not talking to him, I mean this is the backdrop of this whole thing where supposedly that's been covered up to help Drew. Wiley could care less for this 50 year old ner do well. That's really what's we're talking about. What he's concerned about, as we find out later on, is his own good name.

There is a bust in August, some suspicion turns to Drew in mid-August or later August or early September of 1980.

There is no publicity. In November he hired Porter, even suggestions Porter thrust himself on him. Goes to see Bud Holmes. Bud's district attorney, friend of Porter's. When Bud was told about the situation, he suggests going to George Phillips and that he'll make an appointment to do so, cut a deal with George Phillips, that's what sounds like the best thing to me. Does call, sets up the appointment.

By the way, George Phillips denies that's what happened. Initially he denies that he was ever called by Bud Holmes. George is an honorable person. I'm only pointing it out to show you how selective the choice of who is going to be guilty of perjury is. Drew and Bud both say it was Bud who called George to make the phone call, George denies it. Have you ever heard of a perjury indictment of George Phillips in this case? I haven't. I don't suggest there should be. Why is that not perjury and somebody else is indicted for an equally innocent act?

In any event, like that, there is a memorandum of understanding on Drew's behalf, very sweet deal. He'll cooperate, pleads guilty, gets a suspended sentence, pays a fifteen thousand dollar find, no jail time, five years probation. Drew bounces this deal off Carroll Ingram. Carroll thinks it's a good deal, too, and the deal is set. Never gets into court, never any publicity, and as everybody agrees, Judge Nixon knew nothing about Drew Fairchild, didn't know there was such a person in his life at that point.

As of February of 1981, everybody thinks Drew's problem is over with. I mean Wiley is not worried about it, Drew's not worried about it, Carroll is not worried about it, and Bill Porter is not worried about it. There ain't no Drew Fairchild problem.

And in February, why would anybody backdate -- I keep raising the strawman, which is what this case originally was all about, and now they walk away from it. We're going to put it for rest once and for all.

In any event, nobody had any interest in Drew then at the time of the transfer of the royalty interests. This miniscule interest, which is five ten thousandths of an interest in each of those wells; if you like, 0005 and we go out for 24 decimal places. Judge simply knew nothing about Drew at that time. It is pure nonsense. For the last time, the backdating, the idea that transaction had anything to do with Drew Fairchild is true nonsense, if anyone were to think. They have virtually conceded away that whole Count I; that doesn't make the other counts any stronger.

In the spring and summer of 1981 there is some interest. Porter sues Drew for his fee, ten thousand dollars fee, he sues him. You heard testimony about that. He is complaining to everybody about the fact that he wasn't paid by Drew, he complains to Bud, he complains to his friend Bob

Royals. Wiley, as you will recall, tries to get him to just accept twenty-five hundred, the check's in evidence, 2669 -- it was twenty-five hundred, plus some expense money. But that's not enough for Porter, he still keeps complaining. He enlists the aid of Royals to go to Wiley to help him get the money. Remember the message, Wiley testified about it, so did Royals, so did Drew, who knew about the visit. That he was to tell Drew's old man to get off his money or his son will get his tail in a crack. I can read it to you, it's at Page 448. There is no need, that was the testimony by three different people. It came in the summer of 1981, delivered from Porter by Bob Royals.

Both Drew and Wiley conceded -- Bill Porter is not around, he can't be a witness, he's dead. They both admitted that visit to Wiley was in the summer of 1981. How do we know it? Because the threat to get his tail in a crack came about, it came about in the form of the statement, and Wiley viewed that as a blackmail threat, but back in 81. You will see the connection later on.

Enter Bud Holmes. He was on the scene a year earlier when he sent them to George Phillips. The bottom line at this point is, I guess what Bud admitted on the stand, Holmes admitted on the stand, that he called George Phillips pure and simply to help Bill Porter get a fee. I mean, I don't know if it strikes you the way it does me. It's sickening. Do you know, he admitted how disgraceful it is. That man thought nothing of taking and getting an indictment on someone just to help a friend get some money. That's where we start out with Bud Holmes in this case.

Look, I guess I have a problem. Walter Nixon was a friend of Bud Holmes. I guess we all have friends whom we don't know as well as we should. We sort of overlook their shortcomings. Judge Nixon is in that situation, because I guess it's easy to say that's his friend, I guess, he can hang him or we can pin on him all the shortcomings of Bud Holmes. I don't think you can do that. I think each of us have some people who have shortcomings we overlook, and Judge Nixon knew of some of the shortcomings of Bud, still liked him. He's not responsible for the fact that Bud Holmes is a disgrace to the legal profession, and a disgrace to himself as a human being, but he has to live with his conscience, I don't.

In any event, Bud sells out his position by doing just that. He admitted from the stand his primary reason for calling was to get the man a fee, that's just what he does. He has the man indicted.

One month later Drew and Watkins are indicted, Bud calls Wiley, tells him to have -- his son is being indicted, have him come in, release him under bond. The boy -- fifty year old man comes in, Drew Fairchild. He says, you know, why are you indicting me? I had a deal cut out with the feds. Bud tells him you weren't cooperating, brushes him off. What does Drew do? He goes and gets Bill Porter, just what he wanted him to do. Arraigned on September 3rd. Check's in evidence, Wiley Fairchild pays Porter the seventy-five hundred that day.

Now it's not as generous as some of the other acts of Wiley Fairchild, because who ends up really paying that legal fee? Drew and Royals the following day are forced by Wiley to assign some 30 thousand dollars worth of oil and gas interests, evidence is in, documents here, to sign them over, to assign them over to Wiley in payment of that legal fee. I think Drew said he got a little extra money on top of the fee for that. Those are the facts at that point.

That's the first time, the only time up to then that there is any name of Fairchild in the press, everybody concedes that. It's the first time with that indictment and the arraignment in September. What happened then? The frame is set for January of 82. Let's spend some time -- you heard Katie Matison was trying to extradite Watkins from Texas. Sometime just before January of 82 they do get ahold of him and Bud in a sense finesses or bluffs Porter into pleading Drew guilty, saying either it's Watkins or your man, I'll give you the same deal that the feds would have given him. In fact it's a little better, only have to pay a five thousand dollars fine but not fifteen. That's the maximum fine. Bill agrees, and a deal is cut on January 1, 1982.

Once again for all practical purposes it is a dead issue. It's all over. Man has to be sentenced. You heard prosecutor after prosecutor explain what leverage is. You don't sentence a man if he's supposed to cooperate until after he cooperates. Once you sentence him, if he backs off his testimony, you got no hook. You got no leverage. You might not like it; that's the way it's played. Pure and simple, we all know it, that's what goes on. So you hold off the sentencing. Wiley knew it. If he didn't -- I mean, he knew it, he's not a lawyer. Drew knew it, Porter knew it. Holmes knew it, Ingram, everybody knew it.

What you have is basically the case moves on without much fanfare. Look, if there was publicity going on in 82, anything going on, do I have any greater access to the news media in terms of copies of the newspapers? Who is the only one who introduced any of it? I did. If there was, it would have been in the paper, right? Why not? Because nothing was going on.

What was going on? Drew was in Oschner Clinic in New Orleans having his disk operated on. Then he was recuperating. What was going on with Watkins? They were trying to get him moving towards trial, and that's all there was that was going on all of 1982, and every witness admits it. Glenn White, Katie Matison, Drew Fairchild, Carroll Ingram, everyone who was privy to this admits there was nothing going on in all of 82.

Why is that significant? It has to do with the date of the phone call. Why is the date of the phone call important? Because it bears on the perjury they adduced in this courtroom knowingly, as I will demonstrate to you. Bear in mind, the first time, as you will see, when Wiley complains to the judge is not in 82; as you will see from his own testimony it's in 83.

But let's go on. In November of 82, Watkins is caught in Florida. Once again as I told you the extradition proceedings are revved up. In December of 82 Holmes makes a motion to pass the case to the inactive file. We all know what that means, it legally means nothing. Putting it in limbo, don't have to go through the process of these continued continuances. He simply passed it to the file, he tells Glenn White that that's what he wants done. White and he both know it has no legal significance, it's normally done before someone is sentenced when you want to in effect see if there is any reason, if he keeps his nose clean, you won't prosecute him. Here it was after sentence, man was missing, trying to extradite, hadn't been brought back.

For some reason Bud wants to -- for his friend Porter, for his friend Porter -- he's gone as far as anyone could for Porter in indicting this man, and what he wants now is Porter's worried that Weldy is going out of office and McKenzie may not go along now with the plea agreement. He didn't want the plea to -- his case to come before McKenzie.

What does Bud do? He tells Glenn to draw up an order passing it to the files, that as soon as Watkins is caught, brought in, we'll bring it right back. Glenn thinks about it, not crazy about it, but there is not a suggestion that there is anything else but Bud serving his own purposes at that time. Glenn doesn't care, he knows passing it to the file is a meaningless gesture, bring to it the files one day, take it back the next.

In any event, he prepares it, order is submitted to Judge Weldy, and it's acted on. And signed. What does Bud do? Bud gives a copy of it -- remember Carroll's testimony? Out of the blue Bud gives a copy of this document to Carroll, asks Carroll to send it over to Wiley. Pure and simple. I mean I don't know, I can't explain why. We know Judge Nixon had nothing to do with that. It's simply Bud in some way thinking this is something Wiley Fairchild would like to see. He knows in the back of his mind pure and simple, he has screwed around with the case. I don't know what's going on in his stomach, but in any event, he's done Porter the favor of passing it to the files. He sends a copy to Wiley Fairchild.

What he doesn't know is the impact that would have on Wiley Fairchild. Wiley, not being a lawyer, concludes that's the end of the case. In fact, Porter -- remember Drew's testimony? Drew said that Porter told him that's the end of the case. Porter is dead. I'm sorry about it. We had nothing to do with it. But Drew is the next best thing, and Drew said Porter told him in January of 1983, right after it was passed to the files, that the case is dead. Porter was lying to him. The newspapers in fact pointed that out. It was stated in the pleadings, in the papers filed in court by Bud Holmes.

In any event, the newspapers picked up on January 7th that the case was passed to the file. The case was passed to the files, and there is a slight uproar. Within ten days, Watkins is brought back, he's in court on the 26th of January, 1983, and what happened? The case is reinstated. Do you remember the newspaper publicity? Let me show you. Can everybody see it from where you are? See it all right? This was -- the 7th, Weldy passes to inactive file, Fairchild drug smuggling charge, that's January 7th. January 27, the day after it was, headlines, first page, Hattiesburg American, there was early publicity, they would have found it the same place we did, believe me, they have a lot more resources than I have, a lot more. Fairchild case returns to active files, like a yo-yo in the mind of Wiley Fairchild.

It's the first publicity that would upset that man, and it does. It truly does. Because in his mind some one is jerking around with the case. Someone is playing around with it. Someone's doing a number on him. That case -- by the way, this whole thing is all about a case being on the inactive status for 33 days. Do you realize that? That's what this is all about. The case was on an inactive status from -- no chalk, okay. From December 23rd to January 26th. What does that mean? It's in limbo. That's the whole thing. This whole case is really all about that. Can you believe it?

Where are we then. He, Wiley, is terribly upset at the publicity. He views the entire matter of Drew as being a shakedown of sorts. Let's look where he is. He's not a lawyer. He has, I don't know if you want to call them paranoid tendencies, I'm not sure if Bud's right about that -- he surely is suspicious, I'm not sure in his own mind he didn't have a right to be. What happened up to that point? Reneging on the federal deal, which Drew in effect -- they just reneg; he didn't tell them he didn't live up to it. He had the pressure of Porter via Royals for his -- about the money. Royals doesn't get indicted. In his mind Royals should have been indicted if Drew was going to be indicted. According to him Holmes forced Drew to plead guilty in two minutes, Bud sends an order passing the case to the files through Carroll Ingram, and then, twenty days later, jerks it right back.

I think the man, I mean, I don't know that you have to be paranoid to feel something is rotten in Denmark and he is concerned, and the last straw is that publicity in January of 1983. As Drew told us, that is what his father was angry about. They were really not in contact, but they would talk once in a while, and he remembered how angry his father was about that, and he was angry at Holmes, at Ingram -- because he saw Ingram in this whole thing -- Porter and Royals.

Somehow he viewed that whole thing as blackmail. I'm not sure he knows what the word blackmail meant. Judge even mentioned that to you, blackmail is not a description of what was going on. Be that as it may, it's the word that Wiley Fairchild used to describe something that was upsetting him. That's where we are in January of 1983.

Let's go on from there and see what happens. Let's just pick up with the judge. The judge has remained in touch with Wiley Fairchild by telephone basically, he's, he finds out, in fact in late 81, that the wells were on line, which they are. In October and September the record's on file in the oil and gas board. He calls Carroll, there were no checks coming, don't understand it, didn't understand why the delay.

Carroll makes inquiry of Fairchild, this for some reason makes Jarvis -- the man openly talks about the checks for the judge and the division orders, and for some reason Jarvis in his mind concludes that there is a bribe going on, something is wrong. Carroll calls back and says the only reason the checks are not coming, the division orders are taking some time to get prepared. The division orders which are in evidence do get prepared, the judge signed them, and that's it.

Except one thing. He doesn't know it. There is a man named Jarvis who is creating a paper trail, do you remember that? Jarvis had changed the judge's middle initial to show that the judge had actually signed the division orders. The judge, when he got the piece of paper -- my name is Michael S. If I got a document that said Michael P, I would cross out the P and put on an S and sign my name. That's what the judge did. He didn't know this looney-tunes character named Jarvis is trying to create a paper trail. Over what? The judge signed the division orders, they go back in the files where they are supposed to be, and the royalty checks start coming in 1982 and the judge is pleased, they are substantial, two -- one of the wells is a bad well. The other two are good and they start producing revenue in 1982. Frankly, we have someplace here, here they are, a list of the checks as they come in. And what happens, in March he makes his -- some of the money is coming in, he has money on his hands, he pays down five thousand dollars of his debt, interest and principle.

In -- stop a minute. In May and June, nothing is going on with the Fairchild case. Nothing. Of 82. But what's the judge doing? The judge is I believe involved in the most important case of his life, the asbestos litigation. We'll come back to it, but that's what he's doing at the time. That's what he's involved in in May of 82. Nothing is going on in the Drew Fairchild case, the judge didn't even know about that case.

In July of 1982 -- it's a good year for the judge, by the way. He has the asbestos case, it is handled beautifully, professionally by everyone who has ever looked at that case. In July of 1982, he is offered the appointment to the second highest court in this nation, the Fifth Circuit of the United States Court of Appeals. He decides what he would rather be a trail judge, he likes trial work. He declines that appointment in July.

In September he becomes chief judge. There were receptions thrown for him. It's a great year for him; so it should have been. In October there is a party at Bonnie and Clyde's, thrown by a bar association, place owned by Bud Holmes. Everybody is there. Friends of his, clients -- excuse me, lawyers from throughout the community who are in the bar association, his wife is there, Wiley is there, Rodney is there.

And Wiley mentioned to him there that he might have another investment, mentions what it is, Board of Education District of Simpson County, something. You heard Wiley testify about it. And the judge introduces Barbara to Wiley at that time -- openly. It's a man who had put him in the investment, who had put them in the investment that's returning such nice money, it was a beautiful year in that sense. So it should have been. Judge didn't know what was coming.

In any event, January of 83 he reads -- as you've heard, it's the first time there is any kind of publicity -- he read something of the Drew Fairchild case, and he connected that is Wiley's son. He knew nothing about Drew being the son of Wiley. What he read was something critical of the handling of the case. He watched it on TV, critical of the DA in the way they handled the case. Of course that's what it was. Sending it to the file and bringing it back. He chided Bud about it, about this, and about another case Bud told you about where there was an 18 wheeler, there was some screw up in the way the DA handled it. He took a lot of heat from the press, and the judge just sort of laughed to Bud, made fun of Bud or kidded Bud about that incident.

In late February, 1983, Barbara had some surgery over some, periodontal surgery, there were some complications. She was basically home in bed once she came out of the stay in the hospital. On March 1st, the judge paid off -- in September he had made the second reduction, five thousand dollars in March, forty-seven hundred in September, and another thousand paying off completely on March 1st. On March 7th the notes were returned to him fully paid.

Three days later, three days later he was holding court in Hattiesburg, right here. The jury went out late in the morning, he had made plans, or he had wanted to make plans to go pick up some Hank Williams records. Sitting around, calls Bud Holmes and arranges to go out to his house that evening to pick up the records.

He also calls Wiley Fairchild. Why does he call him? He has stayed in touch with the man, he has just paid off all of the notes. He is interested in another investment. He would love to make another investment with the man, the man has mentioned it to him, you heard Wiley say so, you heard Carroll say so in fact. He would like to go out there, talks to Wiley, make arrangements, see each other that afternoon. Why did the judge go out there? Possibly Wiley will mention what he had mentioned before, the additional investment and it would lead to possibly another investment. A guarantee, no; an investment, yes. Nothing wrong in that.. I don't see why a judge can't do that, I would do it. I don't know what's wrong with it. He goes out there that day.

Let's talk about what happens. First of all, Wiley had said that that meeting, he's summonsed, he told Carroll get the judge. Well, Carroll denied that categorically. Wiley is just wrong. I don't think he's lying, just wrong. Carroll categorically denied that. Judge said that too. Go to the meeting, Wiley is there, Rodney's in the room, sit around, small talk. All of a sudden, what happens? Wiley said, "Rodney, get out, I need to talk to the judge about something."

The judge is taken aback. And Wiley begins to sort of seethe, and the publicity -- he has been seething about in fact this publicity since the month before. He said, I know you're a good man, you have a good reputation, and I want to tell you something. My son got in trouble, I don't know if you know about it, judge says yes, he read something about it, had to do with some drugs at the airport. He's given me nothing but trouble, I'm not trying to do anything to help him. I think he has a pretty good deal, but damn it -- I'm trying to stay with the language exactly as that man testified about it. My name is being drug through the mud by the media. I was led to believe it was over, now it's back in court and in the papers. I believe Bud is trying to blackmail me. I believe Ingram might be involved, and also something else said about someone else who wasn't indicted. And that they haven't ever done anything about that person.

Now, what happens? The judge does not respond, he's somewhat stunned. It sounds a little bit wild. He can't believe that Holmes and Ingram are blackmailing anybody, the man is really complaining about the publicity, he's complaining about the Fairchild name being dragged through the mud. Wiley seemed sincere and off the wall at the same time in his observation, and what does the judge do when he's in a situation like that? You can see it, he basically leaves as quickly as he can. Wiley at the very portion that Reid read to you at -- Reid Weingarten read to you, 484, categorically stated, how -- don't have to remember it exactly, I'll just read it to you.

"How did Judge Nixon respond?

"In my office I don't recall him saying anything."

That was on direct examination as to what Judge Nixon did. That's exactly what occurred, that's exactly what Judge Nixon said.

Question on Page 678. That was Wiley's testimony I just read. Judge leaves, don't really, doesn't run to Bud about it; weighing on his mind, he doesn't really think he's going to mention it to Bud. He does have tne impression, he candidly, while he had not been asked to do a thing, you will hear that -- let me show you something. We blew up the testimony. This is the transcript of Wiley Fairchild at those pages.

"Question: You had never once before ever discussed Drew's case with him, Judge Nixon, for one second, correct?

"Answer:" -- right here on the stand -- "No, I never discussed Drew's case." That's Wiley saying it. Their witness.

"Question: And out of the blue you're telling the man something about blackmail by two good friends of his?

"Answer: Right.

"Question: You don't ask him to do a thing, am I correct?

"That's right.

"You don't ask him to do anything about Drew's case, correct?

Answer, by Wiley Fairchild, "That's correct."

Now, this is the testimony under oath of Wiley Fairchild on that issue. Don't forget it.

But the judge went further. He didn't say that's it. He said he still had the impression what the man wanted done, an impression he hadn't mentioned to Bud Holmes. And he went out to Bud's because he was going, he had made arrangements to pick up the Hank Williams records. You decide when you think about this case, who is tailoring his testimony or who is trying to give you the version as it happened as close as, accurately as he can. I submit to you the judge sat there and did just that. If you don't believe that, then you ought to convict him. You really ought to, but I submit to you he was as honest as anyone could be. His honesty is reflected in the other facts in this case. Let's go on.

He goes out to Bud's, he had been to the farm before. A number of times, been out there with Barbara, stayed over, they are friends. We know that, that's never been an issue. Bud's already had a few drinks, we know that too from Bud himself. They were there together, fixed some drinks, put on the records, and what does Bud do? You could tell me in unison what he would do. He picks up the phone and starts calling. You saw Glenn White. I asked Glenn, tell me, does Bud Holmes have any propensity to using the phone. I forget, he said something aobut his fingers do the walking. The phones are attached to Bud. That's the way he lives, always phoning. He's done -- he reaches for it. Before he ties his shoes in the morning he reaches for a telephone.

Bud's on the phone, the judge is having a drink picking out -- looking at which records he wants. And then when he gets off the phone, Bud, I was talking to Wiley, he's complaining about the -- that you're blackmailing him, causing his name to be dragged through the media. What's it about? Bud runs off into a tirade about the son of a bitch is paranoid, thinks everybody is after his money, let me tell you about it. The judge says wait a minute, I don't want to hear about the case. The judge wasn't saying, wait a minute, it would be wrong for me to hear it. It would have been nothing wrong in hearing about the case. Why can't a judge, federal judge, hear about a case? He can hear about a federal case some one else is handling. He just didn't want to hear Bud go on for hours. He simply passed on to him the message, the complaint of Wiley and that was it.

What did Bud say to him at that point? He simply said -- after he said I don't want to hear about it -- the thing's all worked out anyway, I don't understand what he, Wiley is talking about, end of conversation. That's it. Bud conceded that he never discussed the case. He never was asked to do anything -- I want to show you something. Just don't take my word for it. Bud Holmes' testimony. Right there.

"Question: Isn't it a fact at no time, including that evening, whenever it was, you never discussed the case with the judge?"

That's Bud answering, not me, not Reid, but Holmes, their witness. "That's correct.

"Question: Did he, Judge Nixon, ever ask you to do anything for Wiley Fairchild?

"Answer --" by Bud, "Did not." Now that's the testimony under oath on those two issues by Wiley and by Bud.

What happened? What happened? Bud's back on the phone, the judge is picking out the records, listening to the records, making himself another drink. The next thing he knows, Bud calls him over, says judge, talk to Wiley, I have him on the phone. Judge is taken aback, he didn't know he was calling Wiley, he didn't want him to call Wiley. What happens? He says, just says Wiley, Wiley says judge, I just want to thank you for mentioning that thing to that fellow, I'm satisfied. That's it. That's it. Judge gives the phone back to Bud. He's annoyed at what Bud has done. He waits until Bud gets off the phone, says why did you call him? I just wanted to get it straightened out, and that is it. Bud acknowledges that. And they go out, go back to listening and Bud -- and the judge picks out the records and leaves that night. He has categorically denied, by the way, they went out together in the car. He categorically denies they went to Bonnie and Clyde's that night. There has yet to be someone who would come in and tell you the judge was at Bonnie and Clyde's that night. I'll come to that in a minute.

Can you believe, you know, one of the things -- I've just spent some time, I think it's about eight minutes, maybe a little more, talking about that event, Wiley talking to the judge, the judge going out to Bud's farm and that phone call. Do you realize the significance or lack of significance of that event in terms of the life of these people? It has become a focal point for us in this courtroom, in the papers, but it's meaningless. I mean put it in its perspective in terms of the lives of these people and you will just begin to understand how meaningless it really was. Not just because there was no discussion and no one was asked, but it was just an insignificant event.

It's only because it has been blown up in this courtroom that people have to -- may have to focus on it, figure out what they were doing on days of the year years before. That's why we're here. You have to realize how terribly insignificant that item was. And bear in mind, the government has yet to suggest, remember, there was nothing ever, ever to do -- Carroll Ingram testified to this categorically, I could read his testimony to you, but you remember it, he's not the only one who says this, the oil and gas lease had absolutely nothing to do with Drew Fairchild. If it had nothing to do at its inception, it has nothing to do with it now, and the judge wasn't talking to Wiley because he was wanting to do him a favor or anything, it was simply the complaint of a friend. If it had been made to me I would have passed it on to him and that's all it was. All of these people have said, there was no discussion of the case on that day, that evening, by anyone. Nobody forced them to testify that way. That's what they testified when they raised their right hands in this courtroom, under cross-examination.

Let's stop for a minute. Well, there is one other thing. This call had such -- it was so insignificant, Wiley mentioned to Carroll Ingram that at some point Judge Nixon had done him a favor by mentioning something to Bud that he was troubled about. Nixon himself mentioned it to Carroll in a conversation after it took place. Nobody thought of it as something to be hidden in any way.

Let's stop and let's discuss for a minute when this call occurred. Why do we want to discuss it? We want to discuss it because this is a search for the truth, and that is a serious endeavor, and because the government suggests that this led to the case being passed to the file. Now that's a meaningless act it was passed to the file, but it insinuates insidiously the judge tried to do something to influence the state case.

The truth of the matter is, as you will see within five minutes, is the call occurred in 1983, after the case had been passed to the files. You will come to that conclusion based upon the evidence in the case. Both Wiley and the judge are consistent that the conversation, on that conversation as to what happened in it. Wiley says it happened before it was passed to the file, but he denies that Bud -- bear in mind, Bud is the only one who says I spoke to Wiley about passing it to the files. I spoke to the judge about it. Wiley denies that that was said by Bud. And I defy this man to read anything from the record to the contrary. There is nothing in the record to the contrary.

I want -- Bud concedes that he was asked to do nothing but says that he still passed the case. Ask yourself something. Why did he, if he was going to pass the case to the file, wait from May to December? It's ludicrous. Why wait? You said you're going to do it. The events of May, status is no different in May than it is in December. In fact the man is really a fugitive in May. As Glenn White told you, there was nothing going on during that period of time.

I want to read a portion of Wiley Fairchild's testimony that I think Reid Weingarten might have just forgotten by mistake. It had to do at the point in time when I'm questioning him about when this all occurred.

"Question: And you're not a lawyer, you don't understand why it hung on --" namely the case, "but what bothered you is for all of a sudden in January of 83, these two bombshells hit in the newspaper. Right?

"Answer: Yeah.

"And that's when you went and took the opportunity to speak to Judge Nixon. Right?

"Answer: Yeah." This is Wiley talking.

"Okay, you're comfortable with what you have just described. Right?

"Answer: That's the best of my recollection.

"And you're standing here or sitting here under oath and that is the best of your recollection, based on, for the first time, anybody has shown you all of the documents which can help your mind. Right?

"Answer: I think that's a fair statement.

"Question: Nobody's ever bothered to put you through the questioning, no one's ever asked you to run through the dates logically as you have done with us, and I appreciate it, today. Correct? No one's ever done that before with you. Right?

"Answer: No." At 659.

"Now, as I understand it, you told us, we have described the events as best you can recall them happening. Right?

"Answer: Yes.

"Everything fits as best as you can with your memory. Right?

"Answer: Yes, sir.

"Quesion: Okay. So when the judge is out there, when you see the judge in early 83, you're angry because this is, all this publicity because the case had gone to the files and came back off the files, right?

"Answer: Yeah." Now that was his testimony when he was shown the logic of the events in the case. There is one person though who is categorically lying about it, and that's Bud Holmes. Remember there was nothing in 1982 to upset Wiley, nothing going on in May of 82, we know that categorically, it's only 83 there is any reason for him to be upset. Wiley is wrong on the date for one reason. He has been led down the garden path by that gentleman. I don't have any axe to grind against him, except he's the one who adduced the perjury in the courtroom. He's one who adduced it, he let Wiley peg it to the Royals call, the Royals visit. Do you remember when I mentioned Bob Royals and Drew and everybody admits it came before the indictment by the state in 1981. Wiley was simply wrong. The Royals visit was back in 81. It had nothing to do with this discussion with the judge, it couldn't have triggered it, it had nothing to do with it. When his anchor was removed, an erroneous anchor, he then conceded based on what the events were, yes, it happened after January of 83. Mr. Weingarten didn't tell you that, did he?

What else do we know? That's not all. Drew confirms that that Royals visit was back in 1981. By the way, Bud Holmes say it's May 14th, 82. No question about it, Carroll and the judge came to his office.

Carroll called him a liar on that point. Said he never was there with Bud with the judge. Says he got a calendar to prove it. Yeah, I got a calendar, that's going to be it. Looks in May, oddly enough, there is nothing on May 14th, it's blank. It's over here, look, Carroll and Nixon. Carroll says he never was there with the judge. Blank. Oh, his secretary made a mistake, it really was this date. Wait a minute, we know the name of the secretary, Jimmie Pace. Pursuant to subpoena she could have been brought in here. No, Government doesn't do that. Let this perjurer make up a story, make it work on the wrong year, what do they care? It's only lives we're playing with. That's all it is, just lives. They are fungible.

No one was brought to the stand to confirm that it was 1982 because there is nobody -- this hair pulling, hook it into the hair. If anybody could say that hair pulling incident -- remember the secretary? Bud says I remember it because the secretary, Jimmie Pace, girlfriend, Marcia Bailey, got into a hair pulling incident at Bonnie & Clyde's that night. Judge wasn't there, it was after he left, it was that night. Bonnie & Clyde's, we assume on Fridays, pretty busy. Hattiesburg is a relatively small community. If that had happened on that day, don't you think you could have trotted one person to the stand to confirm it? Couldn't you send us one person? Couldn't you have dug one person up for that one?

There is no one. They want you to still believe it. It's nonsense. Where was the judge? I'm moving slower than I want to. I'm going to move a little faster. You know where the judge was in May of 1982. On May 12th, 13th and 14th, the asbestos jury selection was intended to take place, only took two days; on the third day motions was in the morning, judge was there. Judge Roper and his clerk at the time testified to that. In the afternoon, none of them have a recollection what happened, except they all know they were working on the asbestos case getting ready for this huge trial on the following Monday. Everybody testified the judge never would run up to Hattiesburg for a whole day aside from when he held court and commuted. He, the judge, would have had no reason to go there except to pick up a frozen turkey?

Remember, Carroll told you he didn't summons him. Bud Holmes is a liar. If he's sitting there I'll accuse him here. I accused him on the stand, and I accuse him before God and before you. He is a liar, and what is the best proof he's a liar, his own words in an unguarded moment. It troubles me to call someone a liar, but he is trying to bury his brother to save himself. I speak figuratively, but look at his own words.

In July of 1984, he has already entered a plea. He has entered a plea and told this false story to the people who are making a deal with him, he's in an unguarded moment. Back at the farm, Pat McMullan called him. Bud is kidding around with Pat, having a light-hearted conversation. Bud is not thinking about what the story is he has to tell. What does he say? "The scene of the crime --" talking about the crime, "terrible, God damn, two drunks call up somebody and say that all they are going to do is see to it that the agreement worked out the year earlier takes place." Do you see it? Do you see it? I didn't create this. Thank God Pat McMullan taped it. I don't know why he did. But we got ahold of it.

Bud admitted it, the agreement that had been worked out a year earlier. We all know the agreement was worked out on January 12th, 1982. If this took place on May 14th, it could have been a year earlier -- it wasn't. It took place in 83, and the agreement had been worked out a year earlier. That's from Bud's own lips. He is a liar, and they know he's a liar. I accuse them, and they're our government. I accuse them of trying to make you believe someone who they know is lying. Because they want you to do an injustice. Why?

I don't know. I'm sure they love their children and their wives and husbands, but there are reasons beyond just justice that propel people. But do you really want that man to be on the pyre because of their desire to win? I think not. Bud Holmes is a liar. I don't have to tell that to you, you know it. For once, Bud's mouth worked for the truth, but only when he didn't know he was on tape, only when he wasn't thinking of how it was going to serve his own interests.

You look back in 1983 and you can see that the judge -- just to summarize at that point, the judge's investment with Wiley was perfectly proper, it had been an arms length transaction. Nobody was suggesting anything was wrong, there was nothing improper about it. This telephone call was the most insignificant thing. Nobody discussed the case, nobody was asked to do anything, it's only later when the government is trying to make a case against the judge that all of this is twisted and distorted and perverted for your listening pleasure. I know it's interesting. I'm not going to have another word about the bribe -- excuse me, the illegal gratuity.

Isn't it sad that that old man was allowed to plead guilty for -- remember what he said? Selling too cheap. Is that a crime? Let's assume he believed it. He's testified he went on record saying he wasn't selling too cheap. It was a fair price in the telephone call he had with Jarvis, but if he did, is that a crime? They know, they went to law school, they were supposed -- on the Department of Justice it says better than an innocent man goes free than one -- than a guilty one, something like that. I forgot it. Sorry. I don't work there any more. I did at one time. God help me if I would have done what's going on in this case. Strike me dead if it would have happened at that time.

That man was allowed to plead simply to serve their ends, nothing more. Judge Nixon is absolutely innocent of any wrongdoing in this illegal gratuity case. We have not -- they have not only failed to prove him guilty beyond a reasonable doubt, we have come into this courtroom, and having no burden, have proved him beyond a reasonable doubt innocent of any wrongdoing. Maybe that's how it should be.

They have backed off their indictment. You look at that indictment. It talks in terms of a Drew Fairchild as if there was a fix in that case. What nonsense.

I'm going to break now, go get a bite to eat. I'll relax, stop sweating. Hopefully I'll be a little less passionate after lunch, but I doubt it. We have some investigating to do how the charges were brought. To do that we have to turn to the events of 1984, to Skip Jarvis, and the mindset of the people who will believe a Jarvis and allow this nightmare to begin.

May we take a break, Judge?

THE COURT: Fine. You've used an hour and thirty minutes, Mr. Fawer.

MR. FAWER: I understand.

THE COURT: Mr. Weingarten has used an hour and fifteen minutes. We'll recess until one-thirty.

(Recess.)

BY MR. FAWER:

I'm back again. I hope you didn't eat too much. Don't fall asleep. Got about forty more minutes in me, okay?

This is my last time, then you can say goodbye. Just want to make one correction because someone tells me that I said or suggested that Bob Royals testified. He obviously didn't. If in this courtroom I said he testified, I didn't mean to. Just a slip of the tongue. I don't want to get indicted for perjury, so I'm recanting that.

Let's go on. Let's come to how this case began. Let's look now -- we're beyond really the substantive events. Let's look at how the government got into this case.

We know beginning in late 1983 a man calls the FBI anonymously and alleges there is an oil and gas man in Mississippi who is bribing a federal judge. And that's the insinuation this man makes to this FBI agent, calling him in November, several times in November of 1983, February of 1984. This man of course is Skip Jarvis.

Unbeknownst to the FBI he has a grudge against Wiley Fairchild, as we all know. Wiley has fired him. He was distant kin to Wiley. Wiley was upset with him. He apparently told him he didn't want him around the office any more. According to Jarvis, Wiley even tried to kill him.

The man is bizarre. But it's important, the man is readily -- he's obviously bizarre. What I don't understand is why you can see it, why I can see it, why everyone in the courtroom can see it, except the people who sit and work from this table. But they believe what he says lock, stock and barrel. Jarvis has embarked -- apparently unbeknownst to anyone, unbeknownst to the judge, unbeknownst to Carroll Ingram, unbeknownst to Wiley -- he has embarked on a plan to bring down Judge Nixon and Wiley Fairchild at whatever cost. In his warped mind the oil and gas transaction between Judge Nixon and Wiley Fairchild is illicit. It's based solely -- he's even admitted -- on his speculation and surmise. But he concludes that the backdating was done to hide its connection to the Drew Fairchild case. That's what he operates on, that's the message he sells to the FBI.

Now, eighteen months later, they admit there is no such connection.

In February of 84 this mole surfaces and the FBI listens to him and begins salivating. I mean they hear this story, it's terrific, a sitting federal judge, I mean think of the scalp. The feeling makes your stomach begin churning about it, the way the FBI just took him to their breast and made him -- he really was something to be honored according to them.

Fairchild in early March -- what happened? Unbeknownst to Fairchild, he doesn't know that Jarvis is talking to them, and he still is thinking about blackmail. Gets upset in late March of 1984 and he sends a man named Baltar to complain to George Phillips. Next think he knows the FBI is at his door. FBI is aware of him through Jarvis. The two come together and the FBI interviews Wiley Fairchild.

Immediately after the interview, the FBI, somebody decides, let's put a tape on Jarvis, send him back in there. Let's see if he can get some incriminating evidence against Fairchild and the judge. And what do they learn instead? Instead they learn from Wiley Fairchild, you heard the tape, because he's there -- he's got no reason to be worried. Jarvis is not somebody he's terribly worried about. Remember what he, what the excuse is. They hadn't really been on speaking terms. What happens is Wiley had just been interviewed by the FBI, so Jarvis says, look, I just got contacted, the FBI wants to talk to me, I want to come and get our stories straight, let me come and talk to you. That's the context in which Jarvis tapes Wiley.

They are having this discussion, and surely if there was going to be some incriminating facts you would have seen it there. You heard the tape, it's in evidence as is the transcript. You learned from that tape that according to Wiley, the deal with Judge Nixon is perfectly legitimate and it has nothing to do with Drew Fairchild and the price he set back in 1980 when the oral agreement was made was a perfectly arms length transaction and the value was just what it should have been back then. He says it on the tape.

Does the FBI bother -- I mean that doesn't fit their scenario. They forget about it. They don't bother to look at the logic of what's said. If they don't like the answer they bury it. I don't mean physically; they ignore it. I mean the facts speak for themselves.

What happens? The next thing that happens is Judge Nixon gets a call from the FBI in Mississippi that there is somebody down from the Department of Justice together with some FBI men. Head of the FBI calls Judge Nixon, wonders if one of the FBI could come down and talk to him. He says sure, come on around four o'clock in the afternoon of the 18th, that same day, and they did. They come and they tell him -- this is Reid Weingarten -- and he comes. We would like to talk to you about the Drew Fairchild case and this oil and gas transaction you were in with his father. First time Judge Nixon knows there is anybody who is connecting the two, of any problem. He has nothing to hide. If you want to tape it, go ahead.

Remember who played that tape for you? Government didn't play it. They didn't introduce it. We did. We did. Because Judge Nixon was as honest then as he was in the grand jury, and as he is, as he testified for two days on this stand.

What do you get, why is it important? You see what the focus of their questioning is. The focus is the oil and gas transaction and its connection to the way -- to the Drew Fairchild case.

They won't, of course, tell him. He keeps asking them, tell me what it is I'm supposed to have done. We can't reveal that, we don't know, there is no allegation, don't sweat it, everybody is fine, Judge. He's sitting there answering their questions, trying to figure out what's going on. He gets no help, no information from the FBI or Reid Weingarten. In fact they have information which they were not revealing to him because they were, as you will see, intent on trying to make a case against him.

What does the judge do? The judge does what anybody would do. He tells them he's going to do it, he tells them he's -- he's going to call Carroll Ingram. You remember the interplay between Reid Weingarten and the judge, remember I told you just -- that I was going to do it, and it was conceded he would.

He called his wife, upset, trying to understand, tells her what happened. Made some calls, tell her more later when he comes back. Calls Ingram, George Phillips, Bud Holmes, all of the people whose names have been mentioned. He's angry, bewildered, trying to find what it is all about. He never discussed -- remember Carroll's testimony, there was not a single word of discussion about this phone call. Nobody is mentioning the phone call, except Bud gets on the stand and says that the judge denied making the call and told him to ask Carroll Ingram if he had -- if the call that was made from the farm had been taped.

He says, he Bud says he called and asked Carroll, that's what he did. Let's look at Carroll's testimony about that. What he said, I'll read it to you, that Bud Holmes never called him at that time, never spoke to him at all until after the grand jury in July. But Bud got on the stand and said at Nixon's direction, the judge's direction, he had called Carroll Ingram. Let me just read that portion to you.

"Mr. Holmes did not discuss that telephone call with me until after I had been in the grand jury." And it is -- I'm just saying, nobody quarrels Mr. Ingram did not go to the grand jury until mid-July of 1984. But Bud says in an effort to pin something on the judge that the judge told him to speak to him. And then Mr. Weingarten has the audacity to say, you know, let me show you why taping was really on the judge's mind. In the telephone call to Carroll Ingram, as upset as he was, he said, he said to Carroll Ingram, you know, it may be that this call between you and I is being taped, but I know I have a right to talk to you, and I don't care if it's taped because neither I nor anyone else has done anything wrong, and from that comment they are saying, you see, the judge had taping on his mind.

But look at Carroll's testimony. Bottom line is Carroll said the judge simply wanted to know what this was all about. Carroll had no approach yet from the FBI. The two of them agree there is nothing -- they don't know of anything wrong with the transaction, don't know anything it has to do with the Fairchild case, and that's it.

Bud says he spoke to Carroll immediately, made the inquiry about the taping, talked to him about the phone call. Carroll says Bud's a liar. Bud Holmes is interviewed on April 25th. Judge Nixon didn't go and speak to him, what did the FBI talk to you about? What does Bud start doing? He starts lying as his normal -- he starts lying.

And what does he lie about? He lies, he's asked whether he had met Drew Fairchild before the state indictment, and he tells them that he did not. In fact, you will recall according to Drew that he met, he, Drew and Porter met with Bud before they went to the federal government. That's how they got to George Phillips. That was a lie by Bud. He says he didn't speak to Wiley Fairchild about the case, but in fact he called Wiley the day after the indictments to tell him about the indictment, and more importantly, he had gone to Wiley Fairchild's office in December of 83 with Judge McKenzie to discuss the case with Wiley.

So he lied in each of those instances, and Bud knew he had been singled out for some reason to lie and conceal that for his own interest, because surely he was not protecting the Judge in saying that he hadn't met with Drew back in November of 1980. That had nothing to do with the Judge. The visit with McKenzie in December 83 before he left office had nothing to do with the Judge. In any event, those are the facts.

Carroll Ingram is interviewed on May 10th. Does the Judge go and ask Carroll what's going on? What did they ask you? No, there is no attempt to find out, to tailor testimony on the Judge's part. The only one who does that is Bud Holmes.

In June the publicity is rampant there is going to be a grand jury convened to look into the matter. Judge Nixon retains an attorney, Bill Goodman as you heard -- he's not a criminal attorney, very competent attorney nevertheless, and he tells Mr. Goodman, Bill Goodman to request of the government that he be permitted to testify voluntarily before the grand jury. The request is honored. He and Bill Goodman then review the facts in preparation for the grand jury.

What is the focus of that grand jury as they believe it's going to be and in fact it was investigating? The connection, of course, between the oil and gas transaction and the Drew Fairchild case. The Judge never even mentioned the phone call to Bill Goodman because it has nothing to do with anything, nothing was discussed about the case, it had nothing to do with anything, as everyone who has gotten on the stand, including Bud Holmes, it was Mickey Mouse. It was insignificant. Only in the government's mind after the fact is it significant. The Judge had never been a witness before in a grand jury, trial, anywhere, and the advice given to him by his attorney -- and he was a client at that time. He was a citizen just like yourselves who was being looked at in the grand jury. And the advice he got from the attorney that he hired was answer the questions put to you, no more and no less, and that's what he did.

Bear in mind what the earlier interview with him was focused on, as you heard, what the publicity was, and what everything was focusing on as you went into the grand jury.

Let me read to you something that proves this beyond a shadow of a doubt. You remember the first witness in the case? He was the grand jury foreman. I questioned him. And I asked him a question which I suggest to you is rather pertinent. "I take it if you were sitting as the witness in that grand jury instead of the foreman, you would have been saying to yourself, they are suggesting that I did something wrong in exchange for getting these oil and gas leases?

"Answer: That's right."

There is the foreman of the grand jury telling you what the thrust of that entire grand jury was at that point in time, and that's how it was in the mind of Judge Nixon when he was answering questions in the grand jury. He went in there and answered them for two, some two hours. You listened to it, we played that tape for you. We did, the government didn't. They could have. We wanted you to hear the context in which he was questioned, the context of all of the questions, the thrust of them, so you can understand what his state of mind was at the time. I submit to you that he went in there, he answered every question honestly, he had no intent to lie or mislead and he didn't do so.

He was asked if he discussed the case, the Drew Fairchild case with Wiley Fairchild. He answered no. He was asked if he discussed it with Bud Holmes and he said no. Both Wiley and Bud have testified in this courtroom to the same thing. Look at those, those same charts. You can't take this into the jury room. This is a transcript of what happened here. But as you can see, they never discussed the case. "You didn't ask him to do a thing?" This is one of the questions in the grand jury. "You didn't ask him to do anything about Drew's case? Correct." That's Wiley.

Remember this, the testimony can't be read back to you, you've got to remember from your own mind what was said, and there it is. That's Wiley's testimony confirming what the Judge said in the grand jury, and it makes it perfectly true.

Bud Holmes: "Isn't it a fact that at no time, including 80 on, whenever it was, you never discussed the case with the Judge?

"That's correct.

"Did he ever ask you to do anything for Wiley Fairchild?

"Did not."

I beg of you, remember this when you go into that jury room. Let's leave it there.

I want to remind you of something. This puts, this destroys the perjury counts, because that's what they say he lied about. The question was did you discuss it? He said no. The same thing they're saying. He was asked were you ever asked by Wiley to do anything vis-a-vis the son's case? He said no. Wiley said that in this courtroom; not because I say it; he said it. We brought it out on cross, not on direct. We brought it out for you, from Wiley. And it's pivotal. The Judge has told you the same thing, he was telling you the truth here; he was telling the truth in the grand jury.

I want to remind you of something. Carroll Ingram in the grand jury, in his own grand jury in July, was -- bear in mind, Carroll had, the same way with the Judge, to the same extent had learned of the phone call, remember? He learned of it after the fact from Wiley. He learned about it after the fact from the Judge in passing comments. And he was asked did you ever discuss the Drew Fairchild narcotics matter with Judge Nixon?

"Answer: No, I did not. Have not."

Now, nobody, you remember I put that question to

Carroll. No one has suggested he committed perjury, and he had the same kind of conversation with Judge Nixon that Judge Nixon had had with Wiley and/or Bud. They don't suggest that's perjury. Why is it perjury for the Judge to answer that way but not for Carroll? The answer is, it wasn't perjury in either case. Except in the mind of the prosecuting attorney.

He volunteered, Count IV, that he did nothing to, quote, influence anybody with respect to the Drew Fairchild case. If anything is categorically clear in this case, both the Judge, Wiley, Bud Holmes, all testified that he in fact did nothing to influence the case under any view of the evidence. He did nothing to influence the case. That was the truth then, it's the truth now.

You assess the credibility of Judge Nixon. I beg of you to do so. You saw him. He did not have to, as you know, take that witness stand. He had a right not to take the witness stand. He could have just simply sat back and let -- just rely on the failure of the government to prove its case. I submit that would have been okay. They still haven't proven the case, but he wanted you to be satisfied of his innocence, and he took the stand just as he was willing to be taped, just as he testified under oath in the grand jury, and came here and told you the truth.

He leaves it to you to judge his credibility, his life. You take everything you know, and you weigh it about him. You decide whether that is an honorable man. You decide if he deserves to sit as a federal judge. I submit that he does. I am proud to know that he is a federal judge. I think he comes out of this where you can be proud to say Judge Nixon is and should be a federal judge. He is a fine and honorable spokesman for the federal judiciary. And if the fact is that he has a human frailty in that he had a friend named Bud Holmes, that only makes him that much more human. He is not a robot. He chooses perhaps unwisely one friend; that does not make him guilty of a crime.

I want to remind you of something. I don't know, you remember the voir dire examination that we had? Remember each one of you were questioned. I don't know if you remember that we asked you a question, just dawned on me the other day, during the voir dire we asked everyone, a lot of publicity about the case, everyone knows that, some people had read about it, some had not. We asked, have you read about it? Did you ever discuss it? And the answer from many people, no, I never discussed it.

Then we probed a little further, the answer was so and so mentioned it, but we didn't discuss it. Do you recall? I don't recall which of you may have given those answers. But the point is, a discussion about something is when you talk about something. If something, if the Drew Fairchild case was never discussed as everyone has said, it was never discussed, everybody, every party to the conversation agrees to that. I just point out from your own experience. It happened to have been in the case, each of you, if not each of you, thirty or forty individuals drew the precise same distinction that Judge Nixon had, which is perfectly rational, perfectly human, perfectly understandable. Particularly when you think of the context of that grand jury, think of the advice of the attorney and the focus of what that investigation was.

Finally, I want you say something finally on that point. In assessing credibility, ask yourself what motive, what motive did he have to lie about it? Think about it. Surely it was not the oil and gas transaction. We all agree there was nothing improper in it. So why would he lie about it? Do you really believe that this man would risk everything because of a ninety-five hundred dollar transaction? Is that rational? Does that seem logical to you?

Think about it when you go in there. What he didn't know at the time he was in the grand jury is that he was in fact the target. The government, to the government he was just what Jarvis described him as. Remember that? In his friendly letter to the FBI -- by the way, I'm ready to go after the big prize. Isn't that really what it was, he was ready to go after the big prize? Letter to Ken. Ken Whitespunner. That was what the Judge was, the big prize, not just for that creature named Jarvis, but sadly to the representatives of our

Department of Justice.

Carroll Ingram goes to the grand jury and he tells them in July in the transcript, the oil and gas deal was perfectly legitimate. They don't want to hear that. What happens? He became -- you heard him, became suspect.

In September they indict Wiley Fairchild and begin to bring pressure on that old man to give them the case on the judge. You heard him testify to it, he was afraid of going to trial and he gives in. There is a condition, though. The hook? You provide information which will give us the Judge and you don't have to go to trial and we'll enter into a plea and we will promise, we will make a representation to the government, to the Court, to ask that you will not, representation to the Court that you don't get any jail time. That was the deal he made. And he goes overboard.

Do you remember what he does? I mentioned it at the beginning. He starts out, first things he tells them, they love it, about that Shows case, that the Judge was involved and he had reduced the sentence from getting ten thousand dollars. In this courtroom that was put to rest. I defy the government to tell you that the Judge was involved. They know the man was lying, but it doesn't dawn on them to say wait a minute, this guy is doing something, there is something wrong with what he's saying. They never assessed the credibility of their own witnesses. They do nothing to check out the logic of their own story. They don't even ask him -- talk to you about Fairchild. Hey, wait a minute. We have this tape recording of you and Jarvis in which you say everything was legit, how did it become legit if now you're saying simply because there is a plea agreement that there was something illicit about the deal. But they don't do that, they don't want to do that.

They take that old man's plea. Can you believe that, they accept a plea to a crime that doesn't exist. The man came in here, said I had no intent to commit a crime. What I did, I was told it was a crime to sell too cheap. Somebody somewhere owes that man an apology. Somebody is playing with human lives. Shame on you. Shame on you both. That's just what you did here. That man is a convicted felon because it served their purpose. That man is no more a convicted felon than any one of you should be.

Let's go on. If you think I'm angry, you're right. That is my government. That is your government. They can not play with your lives this way. I am not just an advocate, I am a citizen like each of you, just as the Judge is, and you have a right to demand more of them. You know that you have the power. You know what went on in this case. You saw the -- you saw something -- I don't think you could ever believe a trial like this. You could really see unfold before your eyes what was going on on the underside of the table. But nobody would bring that out to you until we did. We turned the table over.

It was the only way we could bring the truth to you.

Carroll Ingram in the fall of 1984. He learns that they were interested, he can't understand why they are suspecting him. He's reaching for something to get them to understand that he did nothing wrong. He learns as you heard that they were interested in this telephone call. Of course he had heard about it from the Judge, he had heard about it from Wiley Fairchild. He lets them know that, and suddenly they make peace with him. From a suspect he becomes a fact witness. Thank God, Carroll Ingram is an honorable and honest man. He doesn't sell his soul. He gets on that stand and tells you exactly what the truth was. He tells you the deal was perfectly legitimate, there was nothing, nothing improper whatsoever in that transaction. And he tells you everything he wants, observing -- notice something, if anybody would have been the logical person to lead off, wouldn't Carroll Ingram? Carroll Ingram, the man introduced him to Wiley. When did you see him? The last witness. The only reason you saw him is because he had already committed, he had to put him on the stand. He knew he was going -- the testimony would stick in the craw of the government. He puts him on -- he stands the case on its head.

Why do you let a jury get a case backwards? If the case began with Carroll Ingram, why not put him on first? Because you know if you put him on you're going to start out by destroying your own thesis.

The next thing that happened, the squeeze on Bud Holmes begins. Holmes has already in his own mind lied to the grand jury in September, he's been there in July, went back in September and lied to them. Nobody asked him to lie. He lied for reasons we have just described. He was constantly contacting Carroll, as he's told you, Carroll, as to what was going on in the investigation. He admitted himself running around town trying to find out what was going on. He learns in February of 1985, on February 15th to be precise, from Carroll that the government knows of the telephone call incident, and what does he do? He turns virtually white and says to Carroll, quote, you just got me indicted for perjury. That's Bud's own testimony. And he panics. He knows he is about to go down the tube. He calls Judge Nixon, who is holding court in this building. Says I need to see you, it's very important. Judge says hey, I've got a jury out. It's about six or seven, it's seven o'clock at night. Come on over, we can talk. Finds out who the lawyers are, one of whom is Frank Montague; meet me downstairs at the car. Now that's supposed to be -- Bud Holmes said meet me downstairs, it's a friend, and the Judge goes down. That's supposed to be showing some kind of guilt.

He goes downstairs right out to the parking lot and on a cold night in February sits and talks about it. Just about a year ago right now, isn't it. Year ago I guess, just shy of a week. What does Bud tell him? He tells him what Carroll has told him, namely that the government knows about that telephone call. He suggests to Judge Nixon that he, Bud, can't recall the call being made. He was sort of drinking, he doesn't recall what was going on. And suggests it wasn't made. The Judge tells him categorically, you know the call was made, I don't know why you made it. Bud, you have -- you always are on the phone, you had telephonitis. I don't know why you made the phone call. It was made. If I'm called before the grand jury and asked about it I'm going to tell them just that.

Bud says, I don't know what I'm going to do and he leaves. Judge comes back up here, takes his jury verdict and goes on. What motive did the Judge have to lie about it? Think about it. But Bud had. Bud had committed perjury remember in September and he knew about it. What does he do? He goes back three days later to Carroll Ingram and he tries quite candidly to get Carroll to change his story. He tries to what is called, if you recall my questioning, he tries to subborn the perjury of Carroll, which means he tries to get Carroll to lie under oath, and Carroll will have no part of it. He says there is no need to change his story which is true, and Bud says well, okay, and walks off.

Why did he ask Carroll to subborn that perjury if not to save his own hide? What other reason would he have to go to Carroll and try to get him to lie? What does Bud do? He goes to the grand jury on the 12th and again commits perjury for the third time he's before that grand jury.

By March 29th, on March 29th Bud is indicted for perjury, five counts. Five years potential sentence on each count, twenty-five years. And on the eve of going there, do you recall what he is told by Reid Weingarten? Do you remember it? Or would you want me to read it back to you? Remember it when you go in that jury room. On the eve of that indictment, in the language, this is my question. "In the language you and I are accustomed to, was that the threat that was made?

"Answer: What I interpreted was, give us Judge Nixon or you're going to be indicted."

"Give us Judge Nixon or you're going to be indicted." Bud Holmes quoting Reid Weingarten. Representative of the Department of Justice. "Give us Judge Nixon or you're going to be indicted." Is that justice? You decide. That's fairness? Is that what you want your government to be doing?

He runs into the Judge again, goes to the party for Sam Peterson shortly after that, April 12th. He once again tries to suggest to the Judge he should tailor his testimony to fit his and the Judge will have no part of it. He now gets on the stand and tells a reverse story.

I submit Bud is a liar from top to bottom, is a liar as far as his own self and self preservation. And he made a pact with him. I pity him, but that's all. He lived up to the pact he made. He holds out until the eve of trial, then he has read the transcript of Wiley Fairchild's grand jury and sees what he needs to say to save himself. The only thing he has to do is sell his soul, and that's just what he did.

As I said before, maybe God Almighty can forgive him. I can't. He simply sells his soul and sells himself as a human being. He goes to that grand jury and suddenly says that he discussed the backdating with Judge Nixon and Wiley Fairchild on that day.

Wiley Fairchild to this minute contradicts Bud. He has said again and again there was never a word mentioned about back -- I said backdating, I beg your pardon. He talks, I misspoke. He says that he spoke about passing the case to the files, that they discussed it with Nixon and he then told Wiley that that's what he was going to do. Wiley contradicts Bud on that categorically. He simply categorically denies it. Because it didn't happen.

Wiley as you know says that that happened before, before it was passed to the files, but you heard his testimony. When really put to the logic of what occurred, he agreed that it was after the publicity of January, 83, that that occurred and he testified under oath that only after that happened did he talk to Judge Nixon. And he conceded that the reason he had fixed it earlier was the Royals call which we all know occurred back in 81. They said earlier, I don't want to repeat myself, when that anchor was removed, that erroneous anchor, Wiley Fairchild knew that it happened in 83. Fact he said before, it was before, the trouble with it is, saying it as opposed to what the facts prove are two different things. It happened in 83, and the best proof of it is Bud Holmes' own testimony and the logic of the events as they occurred.

In any event, what does he do? Bud Holmes makes up a day, he makes up, he creates a date in 82. Just picks a date in May of 82 to fit his story. He's a sloppy liar. What does he do? As liars do, they pick up little strands of the truth. Oh, the Judge was coming to pick up a turkey. Sure, the Judge at some point one year did go to pick up a turkey. The Judge has been at his house. So it's not very difficult to take those little strands of truth as if that makes it true, and then fabricate a story around it. What he didn't understand, thank God, is the ability of us to be able to show where the Judge really was that day. Were we able to pin him down to being in Biloxi on the minute in question? No. But look at the logic of the whole asbestos litigation, of the testimony of his law clerk, of Judge Roper, of Judge Nixon. They were, and you know it, all three in Biloxi that entire day. To believe otherwise means that he would have had to get in the car in the middle of that day to just tear up to Baton Rouge to pick up a turkey, on the eve of the biggest case ever held in this district, on the eve, on the last working day before it.

Bud knew he had to say it was before. The deal he had made with the government, he knew he had to tie it to something, and the only thing he could tie it to was passing to the files. He knew Judge Nixon had really nothing to do with it. Therefore he had to make the conversation before.

What does he do? He comes up with that calendar all of a sudden. The government never bothered to check it out. He comes up with this story that it was on that day, and look at the two names. Interestingly, those two names are on May 13th in the calendar. On May 13th, we know categorically on that day Judge Nixon, according to our Exhibit 30, the asbestos case docket sheet, he's here in Biloxi the entire day. So what Bud's saying is this is a mistake, secretary told him this is a mistake, really meant to go over here, it was the same night as -- day before a wedding he went to in Jackson, hair pulling event took place on the evening of May 14th, and therefore I remember this whole thing.

Do you realize the number of facts that you have to assume are true to believe Bud? All they had to do is bring -- where is Jimmie Pace who did this, to say that happened? Where is somebody to say Judge Nixon was at Bonnie and Clyde's the night of that hair pulling incident? One person to come in and say.

I submit to you based on all the evidence, you can conclude that Bud Holmes fabricated, created this document.

You want to know something? I think the government well knows it at this point. I think they are embarrassed about it. I suggest to you that -- and they offered this as proof. They didn't bother to check it out. You know they never bothered to see where the Judge was on that day. These are all court records, they could have determined it, they never checked the logic of their argument against the facts as they existed.

Is there any doubt in your minds that a man who would subborn -- from his own mouth, and from Carroll Ingram's testimony -- who would subborn perjury from Carroll, who attempted to subborn Katie Matison's perjury, remember that? Tried to get Katie to take responsibility for a case that she didn't have responsibility for. Who sends his law partner to threaten Katie's aunt, do you doubt that such a man who will engage in that conduct, try to subborn the perjury of two, would not stoop to falsifying a record? And do you really think I had to tell them this? You don't think they had the brains to figure it out for themselves? Ask that of yourself.

But really the nail in the coffin -- I'm coming back for the final time -- the nail in the coffin that makes Bud the liar is himself. It's nothing but his own language. The government loves the lie in June. June, that last testimony is the first time that he's telling this outrageous story. But a month later in relaxing at home, Pat McMullan calls him and he says this. And this puts the lie to the dating, and I hope each one of you understand it. Because he's referring to an agreement having, talking about the events of that night at the farm, he's saying the agreement that had been worked out a year earlier. We all know the date of the agreement is January of 1982. There is no dispute. So it couldn't have taken place in May. It really took place, as we all really now understand, after January of 83. And in fact Carroll Ingram, no, Mr. Weingarten said, well, Carroll Ingram said it happened before the passing to the files. He thought that the telephone call did. When Carroll was questioned on cross -- of course Mr. Weingarten never refers to cross-examination -- Carroll said I don't have any knowledge of when it was -- let me read it to you, don't take my word.

THE COURT: Mr. Fawer, you have four more minutes.

MR. FAWER: I thought you gave us fifteen more.

THE COURT: That includes the fifteen.

MR. FAWER: Can I have a total of ten? That's all.

THE COURT: No, you've got four minutes.

MR. FAWER: I'm on my way.

BY MR. FAWER:

It could have happened, as you sit there now, could have well happened between two months, three months on either side. Carroll had no real idea of when it happened and the basic, bottom line is, the facts speak for itself. The government basically bought Bud Holmes' perjury lock, stock and barrel. It never checked the facts. It had a target, it had a prize to go after, it had a theory, so who is going to worry about the facts? Not them.

Once they learn of that phone call, what did they do? Everybody else is brought back to the grand jury and asked specifically about the phone call: Bud, Wiley, Carroll. Who is the only one who is not asked? The Judge. Why? Don't want to. You want to indict the Judge instead.

The only trouble is, they don't want to be -- they don't want to be fair about it. They would hope that they can indict him and he like Bud and Wiley will plead, but what they didn't understand is two things: The character of Walter Nixon. He is not a Bud Holmes; he is not a Wiley Fairchild; and they didn't take into account that they would have to convince a jury just like all of you, who would smell the rank injustice that pervades this case.

We've had enough. You put an end to the nightmare. Do it as quickly, as painlessly as humanly possible.

I'm not going to have another chance to talk to you. The government will. Read Weingarten will. Make him respond to the arguments. Make him answer the points we have raised. What we don't want is your sympathy. What we want is justice as you have sworn to do it by your oath when you began this case.

This man, Walter Nixon is ruined if he's convicted on any count. We don't want to compromise. It is all or nothing. All we want is your dispassionate sense of justice in operation. That's all.

Pardon me for my passion. It's not that I just believe in his innocence, but what I have seen here in this courtroom cries out for correction.

Let me leave you with one final thought. Each of us in a democracy loses a little bit of freedom when an injustice is done to one of our fellow citizens by our government. Be that person rich or poor, white or black, strong or weak; most of us when that occurs are not even aware that such an injustice has happened. Even if we are, we seldom have the power to do anything about it. But jury service presents that rare opportunity when twelve individuals were brought together and in a single voice can say to their government, you shall not commit an injustice in our name. This prosecution represents just such an injustice.

There is nothing any one of the twelve of you can do to remove the agony that citizen Walter Nixon and his family have suffered under the cloud of this baseless charge. But you can restore to him his piece of mind, his dignity, and also his rightful place on the federal bench, by doing that which you have sworn to do. Do justice by returning a verdict of not guilty on each and every one of the four counts.

May God bless you. Thank you.

THE COURT: Mr. Weingarten?

BY MR. WEINGARTEN:

Ladies and gentlemen of the jury, let's start out this way. Saying something louder and louder and louder doesn't make it right. Saying something over and over and over again doesn't make it right. Being incredibly and unfairly abusive doesn't make the abuse right. Pointing your finger over and over and over again doesn't make that right.

Mr. Fawer had a lot to say, and I submit to you, ladies and gentlemen, a lot of what he said was wrong. What was the government to do when Skip Jarvis called in November, 1983? Were we to say, well, Michael Fawer from New Orleans, former prosecutor from the Department of Justice, might not like him if he ever hits the witness stand, so we're not going to listen to what he has to say?

Skip Jarvis was a citizen. Skip Jarvis is not an animal the way Mr. Fawer makes him out. He's an individual who thought he was doing right. He made an allegation to the FBI. The allegation was a serious one. To castigate the FBI because they looked into what Skip Jarvis has to say I submit is a gross injustice.

Skip Jarvis was given a tape recorder, said go see what Wiley Fairchild has to say. And he did. Wiley Fairchild, fair enough, did not implicate Judge Nixon in wrongdoing on that first occasion, but sure enough he raised a lot of serious allegations. And what was the FBI to do at that time? Were they to say, oh, my goodness, Michael Fawer may scream and yell later on, he may castigate the FBI later on if this doesn't turn out exactly the way Skip Jarvis first alleged? No, I don't think that's what they should have done.

I think they should have done exactly what they did, pursue the investigation, particularly since they saw a situation in 1984 wherein Drew Fairchild, the son of an oil millionaire, had been implicated in a smuggling four years before and had never been sentenced.

What should the FBI -- what should they have done, throw their hands up, oh, my goodness, it's not working out quite as we expected, let's close shop? Instead they look at Wiley Fairchild's conduct, and a conclusion was reached that Wiley Fairchild paid public officials for favors. And Wiley Fairchild was prosecuted, and shame on the United States for taking a guilty plea. He had a lawyer. What did his lawyer tell him? His lawyer told him he was guilty as hell.

You know when you plead guilty in federal court, a judge has to take the plea. A United States judge has to accept the plea, and the United States Judge did, and the United States of America in the form of the prosecutor did recommend probation. And the United States District Court judge who sentenced Wiley Fairchild didn't accept the recommendation of the prosecutor and imposed a prison sentence.

Shame on the United States for prosecuting a man for paying public officials for favors.

What was the District Court judge who sentenced him to do? Should he be ashamed, too? I guess according to Mr. Fawer, that's right.

And what should the United States have done when Wiley Fairchild came forward and said there is some informatio that I have not provided, and the information is that I sought the assistance of Judge Nixon to help my son. And Judge Nixon came by, and the assistance was forthcoming. What should the United States have done at that time? Should we have gotten under the table? Run away? Should we have said perhaps a very talented, very emotional and very abusive lawyer from New Orleans might not like it? So we're going to bury our heads? No, that's not what we did. Not what we did at all.

We listened to what Fairchild had to say. Wiley Fairchild in addition provided information that he received from a friend of his, Dr. Shows. He never represented on the stand here, he never represented in the grand jury, he never, never represented to the FBI that he had personal knowledge of misconduct by Judge Walter Nixon in the connection of the Dr. Shows case. What were we supposed to do? Not listen to it? Was that unworthy, you're not supposed to listen to informatio that citizens provide? How are you supposed to separate the wheat from the chaf if you don't listen? You have to make a determination. You need the information.

Was there something inappropriate that Bud Holmes was given an opportunity to explain in the grand jury, to explain to the grand jury, to the grand jurors what the facts were in the Dr. Shows case? Was it a crime for the United States to elicit every bit of information Wiley Fairchild has? Has anybody been prosecuted by the grand jury concerning Dr. Shows? It's a red herring, and he knows it.

Carroll Ingram had a problem with recalling the circumstances of the backdating when he first appeared in the grand jury. Contacted the Department of Justice in Washington to clarify the misunderstanding. And he came to Washington. And in the course of the discussions he provided information that corroborated Wiley Fairchild on Judge Nixon's assistance to Fairchild in the Drew Fairchild case. What was the United States to do at that point? Were we to say, Michael Fawer might not like this? Michael Fawer may have criticism down the road if we pursue this any further?

No, no, I don't think that would be the appropriate course. So we listened to what Ingram had to say, came to the conclusion that it matched Fairchild.

Does Ingram date the phone call? Probably the most significant piece of evidence in this case is Ingram's testimony that Mr. Fawer conveniently neglected to mention in his very impassioned oration. Fairchild advised Ingram about the phone call. Ingram's testimony, unshaken by Mr. Fawer, was that he was so advised in the fall of 1982. On this point there is only two possibilities: either Ingram is lying or the Judge is.

Bud Holmes, prosecuted by the United States. His interpretation, of course, what I said to him, give us the judge you don't have to be indicted. I submit to you, ladies and gentlemen, actions speak louder than words. He cooperated with the United States after his indictment. Was everything dismissed? No. He plead guilty to an information, an information charging contempt, an information calling for potential of sentence of one year imprisonment, which he has received. Is there something inappropriate about prosecuting Bud Holmes, convicting him, getting a sentence of one year and securing his cooperation?

Yeah, we were curious as to what Bud Holmes was going to have to say about that phone call. Because at that point, Wiley Fairchild had advised us that Judge Nixon helped him in Drew's case, and Carroll Ingram confirmed that there had been such a call, and yes, we were interested to see what Bud Holmes had to say about it.

Is that the crime? We plead guilty. But I submit to you, ladies and gentlemen, that the disposition in the Bud Holmes matter was entirely appropriate. One year prison sentence. Is he the dog, the animal that Michael Fawer makes him out to be? Made some bad judgments, can't come into a court of law, can't come into a grand jury and tell an untruth. That's prosecutable under the law.

Is he totally unworthy of belief? I leave that to you. Search your gut. Did the man attempt to tell the truth in this courthouse?

You know what is the biggest factor here is Michael Fawer's own words. He talks repeatedly about leverage, he talks repeatedly about the justification in the Drew Fairchild case, why Drew wasn't sentenced, the government or the state wanted leverage, if he ever testified they would have leverage, a hammer that they could pound him with if he lied.

What hammer does the United States have over Wiley Fairchild at this time? We gave that lever up. We could have deferred that sentence. We could have kept him unsentenced until he testified.

Was Bud Holmes sentenced? Yeah, Bud Holmes was sentenced. What leverage did the United States have over Bud Holmes. I'll tell you what leverage we had, we have the leverage every prosecting attorney has for perjury. The same with Wiley Fairchild. But that's the only leverage. We gave up the leverage. We had no leverage. The leverage Mr. Fawer has repeatedly, repeatedly mentioned.

We make no apologies whatever for the conduct of this investigation. Was it a witch hunt? Was it a witch hunt to get a judge? I submit, no, ladies and gentlemen. I submit we would have been remiss had we not moved heaven and earth to honestly resolve the allegations of perjury in this case. And that's what this case is all about. Allegations that a United States judge may have violated the oath to suit his own purposes shouldn't -- should we have ignored it? Or should we have pursued it as vigorously and as effectively as we possibly could? I submit we took the right course. And I submit that to the greater glory of our judicial system, the results are in; the results are the evidence. And the results I submit are unfavorable to Judge Nixon.

Mr. Fawer makes a great deal, points his finger, bangs his fist, prays to God, forgives people, doesn't forgive people, but he knows full well and you'll hear from Judge Meredith that any allegation of governmental misconduct in a case is to be resolved by the Judge. By Judge Meredith. Not for the jury. It's a distraction from the real issue in this case, and the real issue is are three people lying, Fairchild, Ingram and Holmes, or is Judge Nixon? What you think, what the government did and what the government didn't do, did the government search here, did the government search there, he knows full well that if there was a substantial allegation of governmental misconduct he could have raised it with the Court. If it was well founded, he would have gotten relief, and the fact that we are here, the fact that this trial has gone on, an inference can arise from that fact, and the fact is, the inference is there was no misconduct whatever.

Mr. Fawer uses a straw man. The straw man is the connection between the Drew Fairchild case and the oil deal. Look at the indictment. Look at the charging language of the gratuity, you'll see that it is not charged, there is no charging language in the gratuity count making such a connection. Certainly when Skip Jarvis first made his allegation that was of interest to the United States. Certainly, no denying that. You look at the indictment, you see if there is any connection at this point in time.

The connection comes later. The connection between the business interests of Wiley Fairchild and Judge Nixon and the Drew Fairchild case surely does come; it comes after the deal is initially cut, and it comes on the day of the call. Why wasn't Carroll Ingram prosecuted when he said he never discussed the Drew Fairchild case with Judge Nixon? Because he hadn't. Judge Nixon discussed with him the phone call. A far cry from a situation wherein the Judge goes from Wiley Fairchild to Bud Holmes with an assignment, the assignment's to put in a good word for with Bud. Absolutely apples and oranges.

Fair treatment for Judge Nixon? How do you compare it with the other witnesses? Wiley Fairchild testified in the grand jury, he was prosecuted. He went back into the grand jury after his guilty plea. Carroll Ingram testifies in the grand jury, seeks clarification, comes up to Washington, provides information, then he's put back in the grand jury. Bud Holmes, Bud Holmes had other problems. Bud Holmes was prosecuted on five separate counts of perjury, no analogy between Bud Holmes' situation and Judge Nixon.

Judge Nixon was on record three times about his involvement in the Drew Fairchild case, one in the interview, two in the grand jury, and three in his press release. That record is full and complete. It is your decision whether or not the record is true. And the record of course for you is the grand jury transcript. Was he given an opportunity to come back into the grand jury? I submit to you it is simply preposterous to argue Judge Nixon was not given an opportunity to give his version of the phone call. It is simply preposterous. He was represented by counsel throughout, counsel was in contact with the United States government, counsel came to the District of Columbia, he volunteered the first time. You heard the grand jury. It is preposterous to suggest that Judge Nixon would not have been welcome back into the grand jury a second, a third, a tenth or twentieth time to give any information that he wanted.

Moreover, Judge Nixon is a judge for many, many years. He knows how the Department of Justice works. It is preposterous to suggest he couldn't pick up the phone at any moment at all and speak to anybody he wanted in the Department of Justice, to say anything he wanted to about anything. To suggest that he was sandbagged, to suggest that he was treated improperly or unfairly in the grand jury is preposterous.

Mr. Fawer makes reference to the April interview. I make one request. When you're deliberating, consider that interview. Take a look at that transcript. Listen to the tape. Make a decision. Yes, we came down and we interviewed the Judge, and yes the Judge agreed to have it taped. I beg of you, consider that interview. Were we fair to Judge Nixon, A; B, was Judge Nixon advised that one of the things we were looking for was the mishandling of the Drew Fairchild case? Was it clear from my words that we were interested in Bud Holmes? Was it clear from my words that we were interested in Wiley Fairchild? Was it clear from my words that we were asking him about any information he had about the handling of that case?

Please come to a conclusion, whether or not it would have been entirely reasonable for him to have offered up at that time his version of the blackmail allegation had that version been true. And see for yourself whether or not Judge Nixon tells the truth during that interview about a number of things: His relationship with Bud, Wiley and the case, and in addition the oil deal. See if he tells the Department of Justice representatives the truth about that oil transaction.

If you do nothing else when you deliberate, please take a careful review of the April interview. Because that's the time when Judge Nixon is not rehearsed, that's a time when he's giving spontaneous answers. Come to your own conclusions, whether or not it would have been reasonable for him to have provided information about the phone call and the blackmail allegations, had it been as he recites it.

Look at some of these, not exhibits, but -- Mr. Fawer doesn't want me to look at the little charts.

MR. FAWER: You can have the charts. You have them in the transcript. Know the exact portion, 941, 967, 968, 640, 641. Transcript of it right here.

BY MR. WEINGARTEN:

Mr. Holmes testified, of course, at this trial. Mr. Fawer cuts out a little snippet of his testimony and puts it on the board, said Bud Holmes said I never discussed the Drew Fairchild case, you have to find Judge Nixon not guilty. Mr. Fawer holds himself out as a fair, ethical attorney, points the finger at the government time and time again for our misconduct, our misleading, our subborning perjury. I submit to you, he neglected to mention on the next page, Bud Holmes' next words in his testimony. Let's see what Mr. Fawer first said. "Just listen to my question. At no time, isn't it a fact at no time, including that evening, whenever it was, you never discussed the case with the Judge?

"That's correct." Mr. Fawer was all, oh, you got to find the judge not guilty of Count II. Look at it. He neglects to mention Bud Holmes' next statement, "outside of what I've testified to --" that's the only discussion. Is that fair to leave that impression with the jury Bud Holmes said I never discussed? He's saying outside the discussion we had at my farm I've never discussed the Drew Fairchild case. Of course the epitomy of fair play, Michael Fawer, didn't let you know that.

Then, of course, he talks about Wiley and how his brilliant cross-examination that afternoon he got Wiley to say, my God, must have been after the case was passed to files, because for the first time I have laid out the scenario step by step. I don't recall if you recall, Mr. Fawer was strutting like a crow around the courtroom, Wiley Fairchild was exhausted, yawning, Mr. Fawer had scored a great victory, but the old man wouldn't give in. Immediately thereafter, and about twelve occasions he told Mr. Fawer, "no, I'm sorry. Not right. The case was passed to the file after the phone call." He doesn't leave that on his chart. Of course it's not convenient, and the correct verdict is not guilty because of his chart doesn't follow from that. Fairchild wouldn't give in even to the great Michael Fawer. The old man is too tough, he threw him for a big loss, and he wouldn't yield.

Why wouldn't he yield? He wouldn't yield because what Mr. Fawer was trying to elicit was not true.

We concede, we conceded from the outset, we concede now, we can't give a specific date for that phone call. I submit to you, ladies and gentlemen, the question in this case is whether or not it took place before the case was passed to files or whether or not it took place after the case was passed to files. He stakes his case on the fact it took place after, we stake our case on the fact it went before. Why can't we date it? We can't date it because it was not a tremendous significant event to Bud Holmes, and because Wiley Fairchild is a 75 year old man, and because it's natural and normal for a phone call four years ago to be difficult to place. I mean just think about it.

Think about four years ago, let's say you get a phone call, hypothetically the phone call is from a distant relative you haven't seen in a number of years. The relative says hi, start talking about family news. Some of the news is startling. Let's say the relative is in Europe, then later the relative visits you. Is it not imminently reasonable that you wouldn't be able to date the phone call, specifically, and perhaps if there were more than one person in the family you would have a different recollection as to when the phone call was, but is it not also reasonable, you would know which took place first, the phone call or the visit, particularly if there was a causal connection between the two? I submit that's exactly what's happened here.

Bud Holmes says May 14th could well be the day. He never fixes May 14th as the definite date of the phone call because he couldn't. Whether or not it took place on May 14th, I'm not sure. Bringing in someone who saw a fight at Bonnie and Clyde's or bringing in someone who even saw Judge Nixon at Bonnie and Clyde's would not fix the phone call on May 14th. The point is whether or not the phone call took place before the case was passed to files, and three witnesses, when all is said and done, say yes.

Mr. Fawer made a lot of points, some were good. One that was not so good in my view is the McMullan-Bud tape. What significance at all is there in Bud Holmes having a conversation with McMullan two or three years after the events, and him shooting his mouth about a deal taking place before? Is it not possible a year elapsed between the passage of the case to files from the time of the plea? Did he have a calendar in front of him? Was there any significance at all to that conversation? He made some good points in his closing argument; I submit that is not one of them.

Judge Nixon testified to an interesting point and Mr. Fawer emphasized it. He said that in 79, he talked to Holmes about Wiley Fairchild. Wiley Fairchild spoke about two reputations -- Holmes speaks about two reputations. One he is an astute businessman; two, he makes political contributions.

Why in the world would Judge Nixon recall Wiley Fairchild had a reputation for making contributions? It was -- was this an oil and gas deal, or was this a contribution? Let's face it, if Judge Nixon staked his reputation, or staked his investment on Wiley's reputation for making money, it would have been to Wiley Fairchild's interest to take the ninety-five hundred dollars and give Judge Nixon a dry hole, stick the money in his pocket. That would be the end of that. Maybe the reputation he was interested in was his reputation as a contributor.

Fairchild's profit, two hundred thousand, two hundred thousand per cent, the point is Fairchild is a purchaser of speculative property and the property sometimes bears fruit. He's not a buyer and a seller. What would his profit have been if he held on to that property? No matter how you slice the pie in this case, Wiley Fairchild is not anything other than a speculator. He buys oil and gas property, he holds onto it, he hopes it matures into property that's producing a great deal of income. For the deal to be successful for Judge Nixon, there necessarily would have had to have been a diminution of Wiley Fairchild's money. It would have come from Wiley Fairchild and given to Judge Nixon.

Judge Nixon was relying entirely on a practicing attorney putting him into a good deal that would have meant money; what conclusions can you come to? He was looking for a contribution, the only basis for looking at him is his status.

What else did Judge Nixon have to offer? Was Wiley interested in his ninety-five hundred dollars? His testimony is he had no idea about it.

Is it a February 25th, 1981 deal or is it a February 25, 1980 deal? Well, on the financial disclosure statement says 81. On the deeds themselves it says 80. You can't have it both ways. There is something wrong somewhere, and why does it say, here's an interesting point, why did it say February 25, 1981 on the report filed by Judge Nixon in 1982? Where did he get that date from and where did Judge Nixon get February 25, 1981 to put on the forms? Think about that for two seconds. Evidence is Skip Jarvis prepared those dates, 2-25-81, sent them down to Ingram, sends them back, says backdate them. Backdated deeds are signed by Judge Nixon. This 1982 form Judge Nixon says 2-25-81. Where does that document come from? Is it not proof crystal clear that he definitely knew there was a one year backdating? If he came to that conclusion, I again ask you to look in the April 1984 interview that we conducted, and see what he has to say about that.

Other oil deals? Yeah, Judge Nixon had other deals, other legitimate deals; in those deals he loses money. When he turns to Wiley Fairchild, perfect stranger, a man known to make contributions, that one pays off.

Mr. Fawer disputes the fact that there was publicity in 1982. You recall him putting up a witness named Glenn White, present DA. Do you recall me asking him about that question?

"Question: Is it fair to say the notoriety was caused by intense media?

"They were there whenever they did anything, with exception of this order." You may recall Glenn White was talking about the order passing the case to the file.

"Is it fair to say when there was a continuance the media was there and the media reported it?

"Yes, they were there. I know on one occasion when Drew had to have back surgery they were there filming him.

"Is it fair to say a TV station in particular had a great interest in the case?

"WDAM.

"Is it fair to say every time there was a legal proceeding in court involving Drew's case, DAM was there?

"I would, to the best of my knowledge they seemed to be there, yes."

Talking about events in 1982. I'm sure Mr. Fawer is not attempting to mislead you when he said nothing was going on in 1982 and there was no publicity.

Just picture it, old Wiley Fairchild having his little bottle, 6 o'clock at night watching TV, Drew Fairchild, pictures of him coming in with his back problem. Would that have upset the old man?

Was Wiley Fairchild ever anchored in his testimony to the Bob Royals' visit? Couple answers. First of all, Bob Royals visited the prison to his friend Joe Crone in May of 1982. Besides all that, Wiley testified there were several occasions when he had contact with Royals about money. Even more than that, Wiley Fairchild's testimony at trial was that he did not recall the reason he sought the assistance of the Judge. He had plenty of beefs -- Mr. Fawer and I agree with that -- plenty of beefs in the handling of the Drew Fairchild case. Could have been Royals, could have been publicity, people were suggesting he had paid someone to prevent Drew going to jail, he can't recall.

Is Bud Holmes telling the truth? Complicated question; complicated guy. But I ask you to recall some testimony of Glenn White. Glenn White is his successor. Glenn White testified that after Bud was indicted Bud came by and talked to him. And he advised him, after he was indicted, before he's cut any deal with the government, he advised him that there was a connection between passing the case to the file and the phone call from the farm. Now what motive does Bud Holmes have to lie to Glenn White? What is his advantage to telling that to his colleague if it weren't true? Spontaneous statement by Bud Holmes explaining his difficulty with the federal government to his friends and colleagues.

Explanation being, yeah, there was a phone call, Judge Nixon to Wiley Fairchild in response thereto. At least part of my motivation for passing the case to the files was to do a favor for the Judge.

I think there is agreement between counsel, Carroll Ingram's testimony is crucial. Truth of the matter, Carroll Ingram, as I said before, helps the Judge a great deal on the gratuity; truth of the matter is he kills him on the perjury count. He testifies directly Judge Nixon advised him that Judge Nixon had had contact with Wiley Fairchild about Drew's case, Wiley Fairchild asked for assistance. Judge Nixon told Ingram directly he went to Bud Holmes pursuant to that request. Carroll Ingram has Judge Nixon telling him directly that Bud Holmes indicated that there would be a favorable response. Carroll Ingram has Judge Nixon telling him directly that he related that information back to Wiley Fairchild. There is no way on God's green earth that you can square Carroll Ingram's testimony with Judge Nixon's.

I said in my opening that this case turns on the oath. And I meant it, it was true in voir dire, you were put under an obligation to tell nothing but the truth. It has been true since the inception of this trial. Think what it would mean to the process, to our judicial process, if witnesses could get away with lying if the truth would disclose an impropriety or an embarrassment. The system simply could not function.

Simply stated, Judge Nixon should not have put in a good word for Wiley's son. By his acts in effect he was seeking to influence a state case through his friendship with his friend. It was wrong and he knows it was wrong when he testified in the grand jury. He chose nevertheless not to testify truthfully and not to disclose this embarrassing incident. It was a diasterous decision by an otherwise fine judge. It was a decision probably based more on pride than any corruption. But it was a decision that was knowingly and willfully made.

You, too, took an oath. Your oath was to do justice, no favor, no sympathy, no bias, no fear. The prestige of Judge Nixon's position, the power of his personality, must yield to the dictates of the law. There is only one verdict that will allow you to look yourselves square and say it was difficult, it was sad, it was painful, but it was right. That verdict is guilty.

Thank you.

THE COURT: We'll take a short recess.

(Recess.)

(Jury instructions not included.)

(Jury retires to deliberate at 3:57 p. m.)

(In chambers:)

MR. FAWER: Your Honor, we've already made as a part of the record any objections we had as to the charges that were excluded. I'm not sure, I may not be recalling correctly, but with respect to 27-C, perjury, one statement was the heading of it, which relates to two --

THE COURT: You object to that?

MR. FAWER: I don't remember if I did it on the record. If I did, that's fine; if not, I'm just objecting on the record that it was given. Other than that, there's nothing else, Judge.

For the record, the charge that I have just objected to has been marked Exhibit F, and been made a part of the record of objections in this case.

(Recess.)

(End of Volume 19.)

A

JURY INSTRUCTION NO. ________

HEARSAY (CORRECTED VERSION)

When determining whether Judge Nixon was telling the truth when he made the statements to the grand jury which form the basis of the perjury charges contained in Counts II, III and IV, you may consider only the following testimony:

(1) Wiley Fairchild's testimony regarding the substance of his conversations with Judge Nixon;

(2) Bud Holmes' testimony regarding his conversations with Judge Nixon and what he heard Judge Nixon say to Wiley Fairchild on the telephone;

(3) Carroll Ingram's testimony regarding the substance of Judge Nixon's remarks to him;

(4) Judge Nixon's testimony regarding his conversations with Wiley Fairchild and Bud Holmes.

Any other evidence regarding the perjury charges may be considered by the jury only to show the defendant's intent, or state of mind, and not to show the truth of the matter asserted.

AUTHORITIES:

McCormick on Evidence, 3d Ed. § 249

Rules 801, 802, 803, 805 Fed.R.Evid.

DEFENDANT'S PROPOSED JURY INSTRUCTION NO. B

PERJURY - DEFINITION OF DISCUSSION

When considering whether Judge Nixon committed perjury when he indicated that he had not discussed the Drew Fairchild case with Wiley Fairchild or Bud Holmes, you are instructed that to discuss is to examine by argument, sift the considerations for or against an issue or to debate or talk over a subject.

If you find that there is no evidence indicating beyond a reasonable doubt that there were conversations between Judge Nixon and Wiley Fairchild or between Judge Nixon and Bud Holmes, during which conversations they discussed the Drew Fairchild case in the sense just defined for you, then you may not find that Judge Nixon committed perjury when he told the grand jury that he had not discussed the Drew Fairchild case with Wiley Fairchild or Bud Holmes.

AUTHORITIES:

The American College Dictionary, 1970, Random House, Inc.

Bronston v. United States, 409 U.S. 352 (1972)

JURY CHARGE NO. C

PERJURY/INTENT

In your consideration of the perjury charges, you must look to the meaning intended by the defendant himself in his responses rather than to the interpretation of the statement which the interrogator would give, or even to an interpretation which that interrogator might in your opinion reasonably have made. You must not speculate as to what the defendant intended in his response but simply look to the meaning which he believed the statement had.

AUTHORITIES:

United States v. Razzaia, 370 F. Supp. 577 (D. Conn. 1973), quoted in United States v. Clifford, 426 F. Supp. 696 (E.D. N.Y. 1976)

United States v. Black, 644 F.2d 445, reh. denied, 651 F.2d 392 (5th Cir. 1981)

JURY CHARGE NO. D

NO PERJURY BY IMPLICATION

It is not perjury to make a statement which merely implies that a matter that the defendant does not believe to be true is in fact true. In other words, if the implication of what the defendant says is false, but what the defendant actually says is not false, then he is not guilty of perjury.

AUTHORITIES:

Bronston v. United States, 409 U.S. 352, 358, 93 S. Ct. 595, 600 (1973)

#E

GOVERNMENT'S REQUESTED INSTRUCTION NO. _____

POLYGRAPHS

During this trial the issue was raised as to whether an individual was given a ~~submitted to or should have submitted to~~ polygraph examination~~s~~.

You should understand that the results of a polygraph examination or so-called lie detector examination are not admissible in evidence. They may not be considered in Court as evidence, and the reason that they are not admissible in evidence is that they are ~~so notoriously~~ unreliable. In other words, the polygraph machine is not a machine that has been established as being a reliable indication of when a person is telling the truth or not telling the truth. Consequently, the results of any such examination are never admitted in evidence in any United States Court.

United States v. Royals, trial transcript
pages 351-352 (CR. No. H85-0002, S. D.
Miss., May 7, 1985).

F

INSTRUCTION NO. ______

PERJURY: MORE THAN ONE STATEMENT

Count Two of the indictment charges the defendant with having made two false statements to the grand jury regarding his conversations with Wiley Fairchild, and Count Four of the indictment charges the defendant with having made two false statements to the grand jury concerning his having had anything to do with the Drew Fairchild case. When there are two false statements charged in one count of the indictment, proof of the falsity of one of the statements is sufficient to sustain a finding of guilt. In other words, if you unanimously find beyond a reasonable doubt that all of the elements of perjury as I have outlined them to you are satisfied as to one of the statements charged in a particular count, then you may find the defendant guilty on that count.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

UNITED STATES OF AMERICA

V. CRIMINAL ACTION NO. H85-00012(L)

WALTER L. NIXON, JR.

BEFORE: The Honorable James Meredith,
Senior United States District Judge

DATE: February 4, 5, 6 & 7, 1986

PLACE: Hattiesburg, Mississippi

VOLUME 20

PROCEEDINGS HELD IN CHAMBERS
DURING THE COURSE OF THE TRIAL

DAVID A. SCOTT
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COURT REPORTERS
Post Office Box 2202
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(February 4, 1986:)

(Chambers:)

THE COURT: You made a quite a record yesterday on the fact that this FBI report about Catherine Aldridge contained Brady material.

MR. FAWER: Right.

THE COURT: The Court has examined this report and it does not contain any Brady material, and there is no basis I know that the government is required to furnish you this report.

MR. FAWER: Fine.

THE COURT: I'm going to seal it, put it in the file for the Court of Appeals in case it gets that far.

MR. FAWER: Fine.

THE COURT: The second motion, the motion in limine to exclude --

MR. FAWER: I haven't read it.

THE COURT: What?

MR. FAWER: I haven't read it.

THE COURT: Well, you're going to ask this Katie on the stand, aren't you?

MR. FAWER: I understand the motion relates to Catherine.

MR. WEINGARTEN: No, the motion in limine relates to Katie Hatison.

MR. FAWER: I'm going to have Katie on the stand, sure.

THE COURT: Yeah.

MR. FAWER: I'm going to ask her concerning her conversations with Bud Holmes, and any other communications that were transmitted to her through a third party. Not going to ask the communications, but she was privy to those.

I don't know what the motion is to strike. I'm not asking, offering -- I'm simply seeking -- you're going to see a pattern that will begin in April of 84 where Bud Holmes tried to get her to take full responsibility for this case so that she in effect, he could in effect say that she was responsible, not him, for the whole Drew Fairchild case. That's simply between Katie and Bud Holmes. This culminates after Bud is indicted. It culminates on May 30, 1985, in a visit from Bill -- James Dukes to Katie's aunt, Dr. Aldridge, in which Jim Dukes is seeking to put pressure on the aunt to intercede and get Katie to do certain things, to cooperate with them.

Dr. Aldridge, she is not, Katie is not present at the conversation. She calls Katie, tells her about it, and Katie's advice is in fact, or they discuss going to the FBI, and I believe that is the result, that is the FBI 302 you just ruled on, Judge. Subsequently Bud pleads guilty, and in the fall of 85 -- excuse me, in August of 85 runs into or sees Catherine Aldridge, in effect explains why Dukes did what he did in the previous --

THE COURT: What's the basis of your threats or pressure made by Holmes or by his attorney Dukes?

MR. FAWER: We're talking about two different things. Talking about Aldridge now or Katie?

THE COURT: Talking about Katie.

MR. FAWER: Our thesis is, Holmes is out there trying to save himself. There is no Nixon to save, only a Holmes to save, okay. What he's doing is, he's twisting Katie's arm to fabricate -- he's trying to get Katie to say she was responsible for this whole case.

THE COURT: How is that admissible in this case?

MR. FAWER: Goes to his bias and his credibility. The key issue, our position is very simply Bud Holmes is an unmitigated liar. Everything he's saying about the events in this case concerning Nixon is a lie. We all know the telephone call took place. It's our position it took place in '83, not when this case was passed to the files. The case was passed to the files because Bud Holmes chose to pass it to the files. We know today why he told Glenn White, we know the background of the fact that the whole case gets started because he did a favor for Bill Porter.

Now he comes along after the fact and turns this story around, says it was as a result of what happened in this telephone call. Katie's on the stand, who will say before they even go to the grand jury, before anyone goes to the grand jury, Bud Holmes is telling her, I want you to say if you're questioned you were responsible for the Drew Fairchild case, you and not me had full responsibility, you Katie made all the decisions in this case, not me. That's an effort to fabricate the facts.

Katie refused to do so. She is being in effect -- Bud is trying to get her, I don't know if you want to use the word subborn, whatever it is, get her to lie to the grand jury. Because as far as she knows that's what he's telling the grand jury.

Now, that is perfectly consistent with our thesis that Bud's, Bud's worried about himself. Bud enters a plea because of his own fears. Bud pleads guilty and then tells a story which is a fabrication; proof of it is, is what he's trying to do with Katie, the lie that -- he's saying other things. Why am I allowed to prove Bud Holmes, Bud says Carroll Ingram was there in May of 1982 with Carroll Ingram. I'm able to question Carroll Ingram that's not so. Puts the lie to Bud.

We're talking about the very guts of this case is that Bud -- Wiley Fairchild is a victim of his own mentality, but Bud is lying cold. I'm going to argue that to the jury. I have a right to put on the stand a witness who proves the very conduct that establishes his motive for lying, and his activity in, you know, impeaching his credibility. Not on an extrinsic matter, it's on this investigation, this very investigation. Remember, we're talking about a perjury charge, it's not only the events, it's why, why the perjury was committed.

THE COURT: What do you have to say?

MR. WEINGARTEN: I think the idea of putting on the aunt or evidence --

MR. FAWER: Forget the aunt.

MR. WEINGARTEN: Even reference to the aunt.

MR. FAWER: Forget the reference.

MR. WEINGARTEN: Reference to the father --

MR. FAWER: Forget the father. I'm talking about Katie, head on. Bud Holmes importuned her --

MR. WEINGARTEN: I'm talking about reference to things she heard from the father.

MR. FAWER: First of all, it seems to me, you got to deal -- I assume you're not quarreling with what Bud said to her.

MR. WEINGARTEN: Well, it depends.

MR. FAWER: Bud said to her, Bud tries to get her to tell a story about the Drew Fairchild case, that's Bud head on with her.

MR. WEINGARTEN: If you read the motion, that we don't object to.

MR. FAWER: So we're beyond that. What we're talking about what, if anything, what if anything was done in conversation or actions between Bud and a third party where she is not present, and our right to bring it out from her, is that a fair --

MR. WEINGARTEN: That's one issue.

MR. FAWER: What's the second?

MR. WEINGARTEN: Are you intending to elicit from her any relationship she had with the government on this matter?

MR. FAWER: With the government, no. What does that have to do with the government?

MR. WEINGARTEN: In terms of reporting, in terms --

MR. FAWER: I don't know what --

MR. WEINGARTEN: Whether or not Katie reported it to the government, whether or not there was an appropriate response.

MR. FAWER: We're not dealing with that.

MR. WEINGARTEN: You are going to limit your evidence to talking to Katie Matison?

MR. FAWER: I assume I'm going to ask her, what I will ask her, now I understand what you're saying. Apparently these contacts with Bud begin in April of 84 if I understand correctly, and go from April of 84 through the spring of 85, okay. In that period of time she is in contact with you, your office.

MR. WEINGARTEN: The government.

MR. FAWER: The government. And she does bring these facts to your attention, as far as I know. I'm going to elicit that. I'm not --

MR. WEINGARTEN: What's the point of that?

MR. FAWER: You knew your own witnesses --

MR. WEINGARTEN: Why is that relevant?

MR. FAWER: Because you're putting a perjurer --

MR. WEINGARTEN: That's government misconduct; it's before the Judge.

MR. FAWER: Jury has a right --

MR. WEINGARTEN: I don't think it does.

MR. FAWER: You're the one in effect put this man on the stand. I'm suggesting you didn't question her about it. I have a right, I'm asking the Judge permission to do so, on each of these instances. She didn't sit on this. Proof of the pudding they took place, if anyone questions it, she is saying this is what Bud said. What corroborates that is she told it to you.

MR. WEINGARTEN: No, I don't think that corroborates it.

MR. FAWER: She did tell it to you; that doesn't mean it took place. I doubt very much you're going to try to impeach her on this. Bud's your witness. Bud is a guy we claim you got into bed with, okay. You made a pact with the devil, okay. That's our theory from day one. You may not like it, but I haven't hidden it from anyone. I view -- you decided

Bud Holmes was the man you wanted to get into bed with you, you made the deal necessary to get the Judge. You heard me say it up front. Don't be surprised.

MR. WEINGARTEN: I'm not surprised. I'm objecting.

MR. FAWER: On what's grounds?

MR. WEINGARTEN: The government's conduct in this case, like any other criminal case, if inappropriate, is a matter for the Court.

MR. FAWER: At times it is if I make an overreaching motion, maybe an entrapment. I'm not making such a motion. I'm saying that it's clear that the credibility of these witnesses is seriously impacted by the way you dealt with the case, and therefore, it was communicated to them in a number of ways what they needed to say, now -- I mean how they came to know what you wanted them to say and what it is when you would do -- Katie Matison has no more reason to lie about being overreached by Bud than does the Judge. But she comes to you and says, this guy is trying to get me to lie, okay. I don't know of anything you did, I don't know. I know one thing, you never gave Bud a polygraph about a single fact in this case. Allowed to bring that to the jury attention, part of the plea agreement.

Here's someone you have in front of you who is telling you, hey, there is a witness out there, your man out there, true he wasn't your man at the time, but your guy out there is trying to get me to lie. I don't have a right to bring that to the attention of the jury?

MR. WEINGARTEN: You raised a point I was going to respond to. These alleged events took place Bud Holmes was a defendant. It's just absolutely clear how the government's duty with Katie Hatison and Bud Holmes prior to Bud becoming a cooperating witness is irrelevant.

MR. FAWER: I haven't got the right to say she represented --

MR. WEINGARTEN: I'm saying it's irrelevant.

MR. FAWER: Don't you think it makes sense? She talks to Bud. The fact she then brings that to the government's attention. I don't have a right to make that statement?

MR. WEINGARTEN: That's right.

MR. FAWER: Why not?

MR. WEINGARTEN: Because it's irrelevant.

MR. FAWER: I don't think so.

MR. WEINGARTEN: I think it is.

MR. FAWER: I think I have an absolute right to bring the course of these events right through to date to this jury's attention. We have -- Your Honor set a pattern early on in terms of the breadth of the kind of testimony it was going to get in. There was some early objections in terms of hearsay which were overruled. Basically we have permitted, I'm not saying this should mean the collapse of the rules, basically there has been a full exposure of all the relevant facts.

Bud Holmes and Ingram both have testified extensively in terms of the events that take place long after the events in question, long after the grand jury. Remember the issue in this case is what went on in July of 1984. Bud Holmes' conduct all the way into June of 1985 has been explored, properly so, as has Carroll Ingram's through June of 85, because that's all he has relevant information on.

The judge's conduct that has been pulled from Bud, what they're trying to argue the Judge said things in February of 85 at Peterson's party in the spring of 85 that suggest consciousness of guilt on the Judge's part in terms of a cover up. That's only Bud who says that. The Judge denies it, and will deny it if he takes the stand.

The point I'm making though is Bud is saying this is what the Judge, how the Judge tried to cover up. They are the ones who put Bud on the stand to say that. We're saying it wasn't the Judge who was trying to cover up, it was their witness who is trying to cover up, and here's what he tried to do. Here's what he did. He tried to get Katie Hatison to lie, he tried to get her to say this is what happened, and it was not the Judge, but Bud Holmes.

We've been very candid about what our approach is. Now, do I insist, do you want -- I don't think there is any basis -- I don't think I'll be asking her what happened with the Catherine Aldridge thing. She gets, she learns from Catherine what has happened because it's a message for Katie. It is intended as a message to Katie. Catherine gets the message. Basically Catherine is told to pass this on to Katie; basically it's your father is going to be in serious danger if you don't cooperate with these people, okay.

Now, I don't care about dealing with the truth of that statement; the fact that it was made is germane to the impact it has.

THE COURT: She doesn't say that to the FBI.

MR. FAWER: Who doesn't?

THE COURT: Alderson.

MR. FAWER: That's the FBI who writes that. I'm not bound by that. I don't know what that says. I've never seen it. I have spoken to Katie. I'm perfectly prepared for the Court to speak to Katie if you want to in the abstract, as I understand it's -- the message that comes across is really from Catherine to Katie to in effect watch out, from Jimmy Dukes to Catherine Aldridge, you get them in line or else, and frankly, Aldridge was more concerned with her father, Katie's father's safety than Katie, cause he knew Prentiss was going to be in touch.

They immediately hear this and then they go -- the decision is made to mention this to the FBI. I do not know what the FBI writes down. I don't want to get hung up on putting Catherine Aldridge on the stand. I'm satisfied to put Katie on the stand, to adduce from her just that which I'm allowed to adduce concerning the conduct of Bud Holmes.

I do know that Bud Holmes goes back and says to Catherine Aldridge in August, after he's pled guilty but before he's sentenced, he says to Catherine Aldridge, they had been friends years before. He in effect says to her, you know, he asks, begs her pardon for James Dukes doing what he did, he says, you know when someone -- talking about himself -- is up against the wall, you take, I'm quoting, I haven't got my notes with me, you take extreme measures. What there is, there is an implicit acknowledgment what James Dukes had done was done at his direction, okay. That's basically the scenario of what we're talking about.

MR. WEINGARTEN: So we'll be hearing what James Dukes said to Aldridge who said it to Katie Mattison.

MR. FAWER: I mean, I'm eliciting it not for the truth of the matter being asserted, this is what her state of mind --

MR. WEINGARTEN: Then that means her state of mind is somehow relevant to whether Judge Nixon --

MR. FAWER: We're not talking about the gratuity, we're talking about the conduct of your witness.

MR. WEINGARTEN: Her state of mind is reflective of the conduct of my witness?

MR. FAWER: Yes. I'm telling you, my alternative, of course, is to put Catherine Aldridge on the stand, who fills in the gap. I don't think there is any question that there is hearsay, otherwise hearsay that comes in through Katie. I have subpoenaed Aldridge, I have no problem. It seems to me we ought to take Katie as far as we can without doing anything to violate the rules of evidence. If it then means I need to call Catherine to the stand I think Your Honor should make a ruling at that point. I think I have an absolute right to adduce from Katie everything said to her by Bud, and from Bud to her, throughout this relevant period.

When you get to Catherine Aldridge, you're going to have to make a determination based upon what you've heard whether I have a right to put her on the stand. I think that's when you should. I'm not sure I will want to, that I will want to go further. That's, I thought this thing dealt with Catherine Aldridge. Depending on what Katie does, in terms of weighing the need for it. I may decide it's not worth it. Why go any further if Katie goes far enough?

MR. WEINGARTEN: Can I say one thing? We've run over the issue of whether or not Katie's relationship with the government about this is relevant. I'd be happy to report to the Judge the sum and substance of that relationship. About two weeks before trial Katie Matison contacted the government and made a statement that Bud Holmes wanted to interview her alone without a lawyer. She was concerned.

MR. FAWER: Two weeks before Bud's trial?

MR. WEINGARTEN: Bud's trial. Was physically concerned about James Dukes, this huge, hulking figure who was a law partner with Bud for a long period of time. We met with Katie Matison a few days later. She reported to us she had retained an attorney, the attorney had contacted Bud Holmes' people, told them to back off, and all the pressure ceased.

Just to make sure that there was no problems, we interviewed the aunt, we interviewed the father. The father reported -- allegedly some of the threats were coming through the father. The father reported no problems. The FBI specifically sat with the father when a phone call was -- did not record it -- no threats were issued, no threats were forthcoming. For all intents and purposes the matter was closed until Bud's trial, and she was not a government's witness at the time so there could not have been objection.

MR. FAWER: That's not the relevant period in time. As I understand, I'm not quarreling with what you're saying, I'm not bringing --

MR. WEINGARTEN: It's all irrelevant.

MR. FAWER: Wait a second. The threats from Bud begin in April of 84, go on from April of 84 until the spring, just before his trial. Stop at the point just before his trial you described. My question is, if you're telling me she never spoke to you during that entire period of time, then that takes care of it. My understanding is, I understand Bud up until June of 1985 is not your witness. I understand that. I'm not suggesting that you, this is -- you are an adversary with Bud in the sense you're trying to take it to trial. All I want to bring out, not going to ask what's -- Bud told me A, B, and C in August of 84, and then in September I happened to be interviewed by the department. Did you tell this to the government? Answer is yes.

MR. WEINGARTEN: There is no point to that. There is no point.

MR. FAWER: Excuse me. You knew then, you knew then at that point, once you made him your witness, that he had at least according to a neutral observer, Katie Matison, tried to subborn. You knew that.

MR. WEINGARTEN: Then --

MR. FAWER: I've never seen you give me anything that indicates that you had someone who tried to subborn perjury before a grand jury. Where is that Brady? That is Brady. Would it not be?

MR. WEINGARTEN: The fact of the matter is, what Katie Matison provided to the United States was never viewed as anything remotely close --

MR. FAWER: Talking about in June of 85?

MR. WEINGARTEN: It's irrelevant.

MR. FAWER: It's not irrelevant. It would, the Judge could determine if it was irrelevant if you had produced it. I learned, I find out the woman had told these things to the FBI, okay. Or to you, whichever it is. I don't know she even went to the grand jury, I don't remember, did she ever go to the grand jury?

MR. WEINGARTEN: (Nods no).

MR. FAWER: It's clear she had worked up the case from Bud in August of 81 and she basically was the one in charge of the case in the most general sense of the three in the office during its life in that office, and at some time when she is questioned by you people, I don't know exactly when it is, she at that time tells you about those threats. At that point in time Bud is not your witness, but when he becomes your witness that becomes Brady, but you decide it's not. Congratulations, except you're not the Judge. Just like he made the decision this piece of paper, the Aldridge interview is not. Magistrate has a right to make that decision. You had information that reflected negatively on your witness, it happened to have come to you when he's not your witness, but that doesn't change anything. He was your witness as of June, at that point in time, you decided that's not Brady. I don't know, let the Judge see it.

MR. WEINGARTEN: Then we should have a Brady hearing.

MR. FAWER: I have a right to argue that you got evidence, I mean that this information was passed on to you. Our whole thesis from beginning to end is that the government and their witnesses are in bed to get the case against the Judge. Again, I'm not telling you anything. I don't view your conduct in this case as being ethical. Now, I don't have to -- the way I deal with that, I can deal with it outside the courtroom, but I have a right to make that argumênt to the jury.

MR. WEINGARTEN: I don't think you do. I think you have the right to argue your client didn't commit the crimes charged.

MR. FAWER: I have a right to show them how you used the witnesses.

MR. WEINGARTEN: I don't think you do.

MR. FAWER: I think I do. I think I have a right to do that. I have a right to show that that is part of the reason they are lying. Why is a plea agreement relevant? Why is it relevant?

MR. WEINGARTEN: You can --

MR. FAWER: You get into bed with the devil. If I want to argue, I'm overstating it, but you decide you're going to let this guy walk with a slap on the wrist if in exchange he gives what you call, quote, truthful testimony. Guess who is going to decide truthfulness? You. Okay. I call it a pact with the devil, you call it legitimate prosecution. Argued to juries every day of the week. That's why it's mandated you must turn that over to me, okay. I have a right to argue that. That doesn't mean I have a motion of -- overreaching motion.

It's why you run the risk when you make a plea agreement it's going to be used against your witnesses. The plea is, United States government. Why shouldn't I make that argument? Why is it irrelevant that you have information that your own people have suborned people, or your own people put pressure on witnesses.

MR. WEINGARTEN: Whether or not your man overreached, whether or not my man overreached to use your terms, is relevant. We're not objecting.

MR. FAWER: That's what's going in.

MR. WEINGARTEN: We do object to this relationship of this witness to the United States.

MR. FAWER: Not a case of her relationship. It bears on your witness and the knowledge --

MR. WEINGARTEN: I don't think it does. There is no connection to Bud Holmes. We're not objecting to --

MR. FAWER: I think we're beating a dead horse. Judge, I submit I have a right to submit evidence as to what Bud Holmes said to Katie, and whether or not, just a simple fact during that period of time whether she reported it to the authorities. Not asking her the conversations with the authorities, just her reporting, going on from there and tying it down right until the end. When I reach the point of the questioning where it relates to Catherine Aldridge incident I will be careful not to adduce from her what was said by Catherine, said to Catherine Aldridge by James Dukes or what was said by Catherine Aldridge to James Dukes, that entire conversation, so we can preserve any problem with respect to that. If there is any difficulty we can to go the bench. I'm not going to say, what did Catherine Aldridge say to you, I'm not going to adduce the hearsay that is potentially there.

THE COURT: Well, let me see how it goes along. But I'm not at all sure that's relevant.

MR. FAWER: That's fine.

THE COURT: So I'll pass on that when I get to it.

MR. FAWER: Fine. Can I have just ten minutes, because I broke away ten minutes earlier.

THE COURT: Have you got witnesses now?

MR. FAWER: I have one, two -- give you the order. Tell you, Judge Weldy, Judge McKenzie, Katie Matison, I'm not sure of the order of the next three after that, has to do with who has to get into town. David Massey is an oil and gas expert. He's someone who is going to testify on that subject, evaluation. John Roper, magistrate who was law clerk, now been for ten years magistrate.

MR. WEINGARTEN: You mind telling me what he's going to testify to?

MR. FAWER: Yes, had to do with the events of May of 82, primarily that's what it is. And the law clerk at the time, Mark Carlson.

MR. WEINGARTEN: Same thing?

MR. FAWER: A little more expansive, but basically as to that. That's five.

MR. WEINGARTEN: That would probably be today?

MR. FAWER: Easily going to take care of our whole day. The only other witness, I just got notice that the flight is Royals. Royals is nothing more from our perspective, fifteen or twenty mintues, the one who is coming in from prison, and that's it. Then there is Barbara Nixon and the Judge, you know, and Judge Nixon himself. Liklihood I will put him on the stand.

MR. WEINGARTEN: Perhaps tomorrow we'll have just the Judge and his wife, maybe Royals?

MR. FAWER: Looks to me -- we have what, three hours of testimony today, Judge? If we start at two and go for three hours, maybe -- I could see.

MR. WEINGARTEN: Can you see arguing tomorrow?

MR. FAWER: Are you kidding? You got --

MR. WEINGARTEN: I guess not.

MR. FAWER: Fine if you're cross examination is twenty minutes. If your cross is that then we'll get ready.

MR. WEINGARTEN: I guess if the Judge testifies we won't.

(Off the record.)

MR. FAWER: I'm intending to play both tapes.

MR. WEINGARTEN: And the grand jury?

MR. FAWER: You bet. The whole grand jury tape, the whole other tape. That's three hours without a word coming from the witness. So you got to figure he's going to take all day, between these witnesses and the others, Judge will be on all today, I don't know you get to them before Thursday.

MR. WEINGARTEN: Okay.

MR. FAWER: I'm not sure, you may get to them. Ten minutes okay, Judge?

THE COURT: Okay.

MR. FAWER: Thank you.

(Recess.)

* * * * * * * *

(Chambers, February 5, 1986:)

THE COURT: Go ahead, make your record.

MR. FAWER: Okay. In the trial of this case, an issue was raised as to the dating of when Wiley Fairchild spoke to Judge Nixon concerning his feeling that he was being blackmailed by Bud Holmes and the publicity attendant to that. Wiley Fairchild dates that as coming shortly after a visit from Robert Royals in which Royals complained to him about Porter, William Porter not getting his fee from Drew, his ten thousand dollars fee from Drew Fairchild, on the Drew Fairchild federal matter, and Royals was passing on to Wiley the message or pressing Wiley to pay that fee. That's the way that Wiley dates the conversation with Nixon. It's vital that we date that, at least to agree that there is a need to impeach Wiley; there is an ability to impeach Wiley. It's very significant.

Nixon placed that phone call after the case was returned to the files in 1983. Wiley says it was sometime before that, and there is testimony from Bud Holmes that puts it before that. The potential for, the means of impugning -- of impeaching the Bud Holmes' date does not carry over directly to the impeaching of Wiley because Wiley didn't put it at the same date in 82 that Holmes does.

In any event, we have been in touch with Royals and while he's been in prison in Ft. Worth, Dallas-Ft. Worth federal prison. He has been convicted with respect to the very drug bust that's at issue in this case. Reid Weingarten had placed Royals in the grand jury and asked him questions aoubt this subject, and subsequently he was indicted and convicted in connection with that drug bust by Reid Weingarten.

In the grand jury he was asked, as I understand it -- I have not seen the grand jury. I don't think there is any quarrel with Mr. Weingarten that this took place -- in the grand jury Royals was asked did Porter, did he speak to Drew Fairchild about his, about Drew's failure to pay Porter and did he speak to Wiley Fairchild about Porter's not being paid in the Drew Fairchild federal matter. It's my understanding that in both instances he denied such conversations. Am I right, Reid?

MR. WEINGARTEN: I'm not entirely certain. Certainly with respect to Wiley.

MR. FAWER: He denied such conversations with Wiley. We, for the first time we had occasion to meet with Royals this morning face to face. He was brought in by furlough with the acquiesence of the government from Dallas Ft. Worth. He had previously told us that these conversations that had taken place occurred no later than the fall of 1981, but he had not mentioned to us, neither Herb nor myself, that he had testified to the contrary in the grand jury. For the first time this morning he revealed that to us, and that without -- that he felt he could not testify without subjecting himself to potential indictment for perjury were he to testify to the truth as he knows it.

We're now in a position of needing his testimony desperately and not being able to adduce it from him unless there is a grant of immunity on this limited area with respect to the perjury charge, a potential perjury charge against him. He would, if he is given that immunity, be perfectly willing to testify, as I understand it.

I have no quarrel -- it seems to me -- I have no quarrel with obviously the government's right to introduce the statement in the grand jury to impeach him, but the quandary that he's in is not in any way of our making. He has represented to us, and I so represent as an officer of the Court that he has represented that the facts are as I have stated them.

He did speak to Wiley, it couldn't have been any later than August 26 of 81 because that's the date on which Drew Fairchild was in fact indicted by Bud Holmes, and that obviously that is most significant because it destroys Wiley, at least his dating or using this date as the anchor for when the conversation with Nixon took place. Wiley's recollection is subject enough to attack, he's weak enough and wavering enough on dates, but this puts the nail in the coffin. I say nail in the coffin, it's meaningful, makes very clear his dating is ludicrous. Really his saying it came before or afte the backdating is open to serious attack.

And we need this testimony. I don't think there is any question about the significance of Royals since everybody had agreed he should be here on a writ of habeas corpus, which we issued and pulled back, or felt was mooted because we could get him here by furlough.

We call upon the government and the Court to agree to the immunization of him so that he can testify on these issues in the case. I have brought this to the attention of the Court. I ask the Court, the government to acquiesce in our request. If it need be to secure the approval of the Department of Justice, I know that the government, I am confident -- I know this occurred, it was a reversal in the Second Circuit it's my recollection in the West Chester Theatres case. I know who the attorney was in the case but I don't remember the actual name of the case, but there was a reversal by the Second Circuit because there had been a failure, I think that's my recollection, to afford a witness immunity in a situation, obviously not identical to this, but akin to this.

I'm asking initially that the government make inquiry of the Department as to whether it would be agreeable under these circumstances in view of the importance of this testimony to agree to an immunity grant, for us then to ask the Court jointly that there then be such an immunity grant.

MR. WEINGARTEN: I did not expect this issue. I would have to think about it. I tend to think that the Department would not grant this person immunity. It was an issue of some importance when Royals testified, Royals denied it under oath. Why should the man, if he comes wanting to go back into court and say something directly, not contrary --

MR. WEINGARTEN: It's not for him, it's for us. How are we responsible?

MR. WEINGARTEN: I'm not suggesting you are. I'm suggesting the Department has a proper obligation to protect the integrity of the grand jury process.

MR. FAWER: That's true, but it's not as great as our need for this testimony from the man.

MR. WEINGARTEN: I also suggest there is a problem, prospective immunity for his testimony in court, meaning that if he testified in court contrary to what he testified to before, no grant of immunity would protect that, so he could be subject to prosecution.

MR. FAWER: He could be prosecuted for perjury.

MR. WEINGARTEN: Which means he has little protection.

MR. FAWER: Why not? You can prosecute him all you want. He's not asking for immunity from that. Just so we understand, he's not saying immunize me for any perjury that I may commit in this courtroom. He's saying immunize me from using my testimony today as opposed to what I said in the grand jury. That's all we're talking about.

MR. WEINGARTEN: Well, if the issue is whether or not the Department will sign off on an immunity request for Royals, the answer is I'm not sure, but I'm very doubtful.

MR. FAWER: I think it has to be put to the Department in the context in which we are now. I think we need to take it as far as we can with the case. I said it would take us a little extra time with Royals. As a practical matter, assuming, if I could put him on the stand I could put him on a minute from now. There is nothing more complicated to his testimony that what I've set forth.

I think it is a classical situation where we need his testimony, we are in no way responsible for his claiming needing to take the Fifth Amendment. I'm not saying you're responsible, Reid, don't get me wrong. I'm saying that's the quandary, and by the way, the man is doing already a three year jail stretch. I know it wasn't for perjury, but the man is doing a three year jail stretch, more time than anyone else in that matter. It's not like he is not being punished in some way, okay? It seems to me the vindication, the protection of the grand jury process must under these circumstance, important as it might be, give way in the interest of a right to a defendant in a criminal case to adduce testimony that is essential in his defense.

THE COURT: Well, you show me some cases in the Fifth Circuit that hold that.

MR. FAWER: I can't say it will be the Fifth Circuit. The issue is a very limited one. We will find something as soon as we can. The cases, that's what we've -- I've had somebody make calls to people who I think are privy to that line of cases. I'll be back in here.

MR. WEINGARTEN: Also understand, I know you understand, I know the Judge understands, for the Department to authorize immunity, that's got to go back to Washington.

MR. FAWER: What do you mean?

MR. WEINGARTEN: I can't. I don't have the authority to issue someone --

MR. FAWER: You don't, but you can get it from Washington.

MR. WEINGARTEN: I know, so we're talking a little time here.

MR. FAWER: Doesn't take a lot of time. I don't know who it is.

MR. WEINGARTEN: I'll take a look at the law and I'll discuss it with my superior.

MR. FAWER: Why don't you do that. We'll do the same thing. I know the issue has arisen.

MR. WEINGARTEN: I suspect, my sense is the Judge, I think there is case law that the Judge does not have the authority on his own.

MR. FAWER: I'm saying I think the case law is such I think the Judge as a matter --

MR. WEINGARTEN: Instead of us discussing it, why don't we look at the law?

MR. FAWER: Fine. We'll be back.

(Recess.)

MR. FAWER: Let me tell you first, there are about, the lead case on the issue affirming the proposition is a case versus US, let me just get the cite. I have a citation, the government -- Virgin Islands v. Smith. It's a Third Circuit, 615 F.2d 964. The key language is at 968 through I think 972 or so. From the Fifth Circuit, there is Autry v. Estelle, 706 F.2d 1394, and Gottesman -- what's the Gottesman case?

MS. LITTLE: 724 F. 2d 1517.

MR. FAWER: Okay, Fifth Circuit.

MS. LITTLE: 1984.

MR. FAWER: The Ninth Circuit, Lord case, 711 F.2d 887, Ninth Circuit, 83. We can -- we have these, the volumes -- we can leave them for later. The case that most affirmatively establishes the proposition that it is within the Court's power to afford a defense witness immunity is the Virgin Islands. There is no case from the Fifth Circuit that has ever done so, the Gottesman case, I left out one case. I think Thevis --

MS. LITTLE: 665 F.2d 616, Fifth Circuit, 1982.

MR. FAWER: The line of cases in the Fifth Circuit would be Thevis, Autry, and Lord. Thevis, Autry and Gottesman.

MS. LITTLE: One more, U. S. v. Chagra, 669 F.2d 241, Fifth Circuit, 1981.

MR. FAWER: Fifth Circuit case out of Texas, right. The focal point is whether the truth seeking function of the Court is being in any way distorted by failure to afford defendants access to, or access to the testimony of a witness such as Royals in this case. The proposition or the breadth of proposition is not adopted by the Fifth Circuit. What the Fifth Circuit does say, however, Reid, the thrust of these cases, it focuses on any type, using prosecutorial immunity. Really what we're talking about is where the prosecutor has put the fact seeking process in such a -- as to make it essential we get this evidence, yet we can't because of the claim of immunity.

Let me take that doctrine and bring it into this case. It is our understanding, frankly what I would propose to do, if need be, is call Mr. Weingarten to the stand in a hearing on this issue. It is my understanding that when Royals was being questioned in the grand jury the government had every reason to believe that he had in fact talked to both Drew and Wiley. They knew that much from Wiley, they knew it point blank from Drew. They knew from Drew as I brought out, and I could cite you to the testimony, the testimony in this case, Drew dates these conversations as preceding the payments to Porter in the summer and spring, summer and fall of 1981, and predates his visit, his indictment by the state in August.

He testified that it's his understanding that immediately after he was spoken to that Royals went to his father, he was not present, but then his father spoke to him, Drew, and there were certain conversations, that's how he comes to the date.

It's my position they knew it, the government knew that, despite the fact that Royals denied such happening. Their witnesses they put on in this case -- they chose not to adduce that fact, by the way, from Drew; I had to do it. They allowed the witness Wiley Fairchild to anchor his testimony on a date they knew was false, or had every reason to know was false, because they had reason to know that the Porter payment came after these conversations, and they had every reason to know that the Porter payment came on July 3rd, 81 and September 3rd, 81. So it is they who have put us in the position.

See, if Wiley hadn't said this, if Wiley hadn't used that Royals visit as a touchstone for his dating, I wouldn't have had to put Royals on the stand. They created the problem of making me have to put that witness on the stand to call their witness a liar. They knew their witness, which reasonable -- it was reasonable to believe, they had every reason to think Wiley was wrong on the dates. They chose, however, to adduce from Wiley that testimony, knowing he had to be off by at least a year as the toucnstone for his dating the conversation with Hixon.

How they put us in that position. I am prepared to put Reid Weingarten on the stand to adduce what I'm saying, because quite frankly, these are objective facts. We're not even talking about what's in his mind. We know he adduced the testimony, we know what Drew told him, we know what Drew has told us here. If they deny that then it was irresponsible; it's on the checks and knowing when Porter was paid. I have a right, therefore, because they are the ones who have perverted the system, they were the ones who have in effect put me in a position of having to put this witness on the stand.

Secondly, if you don't have immunity, then I offer his testimony under 804(d), excuse me,(b), also under 804, a witness, there are certain hearsay exceptions in which a witness is unavailable as a witness. One includes where he's exempted by ruling of the Court on the ground of privilege. I don't think there is any doubt Your Honor would have to honor the Fifth Amendment privilege he would assert in this case. He therefore is unavailable.

Anyone to whom he had made that statement, advised of, including his attorney, I could call on the stand to testify under 804(b)(3). Since what he has done, it would be the admission he had done and passed on what is in effect a criminal threat to a third party, declaration against interest under declarations against interest exception, we satisfied the unavailability, and I'll put this testimony on through another person which seems to me a little silly. It would deny the government the right to cross-examine this man and cross-examine a third party.

But I propose, it's my understanding he has told this information, I have a witness, I can put on a witness whom he has told this same material to -- is therefore admissible under this alternative theory. I strenuously suggest to Your Honor this is a perfectly appropriate case. It fits within the Fifth Circuit -- never had a situation where they could apply it, ask you to look at the cases, look at the Virgin Islands case, which is the Third Circuit.

They very clearly set forth the proposition. So Your Honor understands, it's in effect, let me just get you the language, what they're really saying in the case is that the Court has the power -- here it is. "While we think that the Court has no power to order a remedial grant of statutory immunity to a defense witness absent a showing of unconstitutional abuse, a case might be made that the court has inherent authority to effectuate the defendant's compulsory process right by conferring a judicially fashioned immunity upon a witness whose testimony is essential to an effective defense."

They are citing the Herman case, earlier federal case, and it's based off that theory of law that they then fashion the proposition in Smith that's caused these other Fifth Circuit cases. It is not followed because the proposition of governmental misconduct, I'm using that in the broadest sense, I'm saying they adduced the Wiley Fairchild testimony which anchored the Nixon conversation on an 82 date when they knew it couldn't have been then, or they should have had every reason to know, every objective fact, the testimony of Drew Fairchild would have negated that as the accurate fact. But they allowed Wiley to do it.

I'm put in a position of having to impeach him, which I'm prepared to do with their witness. They had that same information. Had Wiley testified he didn't know when it was, he had no way of dating it, I wouldn't have had this problem. I couldn't have tried to impeach him. But they chose to anchor it, just as they chose to anchor Holmes on May 14th. They want to live with that, that's fine. They didn't bother to go out to find out what was going on on May 14th, then I can do a number on them. But they choose similarly to put a date, to have an anchor on Wiley Fairchild. I have a right to rebut it. I'm in a quandary because they put us there.

I suggest you read the cases and let me have a ruling at some point.

MR. WEINGARTEN: The misconduct that is alleged here is we put Wiley on and didn't doctor his testimony. Wiley, what's your recollection? Wiley gives his best recollection. Every bit or evidence --

MR. FAWER: Let me, did you know Drew said --

MR. WEINGARTEN: We gave you his testimony.

MR. FAWER: Did you know it? I made you, you're absolutely --

MR. WEINGARTEN: I made you? Royals was a non-issue on this point. We're talking about Robert Royals now.

MR. FAWER: You put Wiley on?

MR. WEINGARTEN: Yes.

MR. FAWER: And adduced from him, he anchored that date, you adduced it.

MR. WEINGARTEN: Right, on --

MR. FAWER: On the Royals visit.

MR. WEINGARTEN: That's because that's his recollection, what Wiley remembers. We have other testimony. I mean really --

MR. FAWER: You want to wait a minute or keep talking?

MR. WEINGARTEN: I want to keep talking.

MR. FAWER: Keep talking then.

MR. WEINGARTEN: The notion is, we ask him what's your best recollection, that's his best recollection.

MR. FAWER: Okay, what happens when you get from

Royals, let's assume you had immunity now. We suddenly bring to the court a tape recording of when it took place, videotape.

MR. WEINGARTEN: Of what?

MR. FAWER: Of the conversation between Royals and me. At the bottom of it is the date, flowing along, September 5th, 1981, 2:06 p. m.

MR. WEINGARTEN: Yes.

MR. FAWER: Are you still going to adduce that information?

MR. WEINGARTEN: If Wiley said, says my recollection is, I'm not going to try to doctor that.

MR. FAWER: The problem you have is you put it on, you allow him to say that's why he called Nixon.

MR. WEINGARTEN: I'm allowing him to testify to his best recollection.

MR. FAWER: You're denying me the right to impeach him about it because you're refusing to immunize the witness who says he's lying, that's what you're doing to me. I'm not calling it misconduct in the sense that you perjured -- I didn't say you subborned the perjury of Wiley. You know and I know of the defects of Wiley memory. You take advantage of it, knowing he's probably not accurate. Your own son tells you that -- his son tells you.

MR. WEINGARTEN: Taking advantage of it if Wiley Fairchild get on the stand --

MR. FAWER: Have you looked at these cases? Have you?

MR. WEINGARTEN: Talking about the immunity cases?

MR. FAWER: Yes.

MR. WEINGARTEN: Yes, U. S. v. Chagra makes it perfectly clear to me in the Fifth Circuit that he does not have the authority to issue an immunity order.

MR. FAWER: Excuse me. I'm saying, there is yet to be a case in the Fifth Circuit where the prosecutor has done what you've done here, and we're here. I think the Court ought to read it and see what we have. It's perfectly clear that I wouldn't be in this quandary if they hadn't -- just had Wiley testify without anchoring it, I don't have an argument. But he did. He made it the requirement.

THE COURT: Let me read the cases and see what they say.

MR. FAWER: Fine. I'm leaving. Larry, this is Virgin Islands. I think I've been as candid as I can. The Fifth Circuit, there is two more cases, this is Autry and then I guess there is Lord. The only one I didn't have, assume is Chagra. You have that one? Okay.

As I say, the alternative is to do it under 804(b)(3), Rules of Evidence 804(b)(3), which, as I say, if you do it that way, you end up with the government not having anyone to cross-examine, no one to cross-examine who is privy to the conversations. But that doesn't trouble me..

THE COURT: What is that?

MR. FAWER: Seems to me you have to see the underlying principle in the Virgin Islands, and see what the Court is talking about. Whatever your ruling is it's your ruling.

(Recess.)

THE COURT: Virgin Islands v. Smith, 615 F.2d 964, in which the Third Circuit held that the trial court must grant judicial immunity, is rejected by the Fifth Circuit in two cases, United States v. Chagra, 669 F.2d 241 and Autry v. Estelle, 706 F.2d 1394, and held that in the absence of prosecutorial misconduct that the Court was not permitted to grant immunity. And in this case, the facts are that Mr. Weingarten asked questions of Wiley Fairchild before the grand jury and he testified to one thing.

MR. FAWER: You don't mean Wiley Fairchild.

THE COURT: I mean --

MR. FAWER: Robert Royals.

THE COURT: Well, yeah, but Wiley Fairchild testified differently.

MR. FAWER: At trial you mean?

THE COURT: Yeah.

MR. FAWER: Wiley Fairchild -- if I'm wrong everyone correct me. Just so we can understand, so we can agree on the facts. At the [illegible] and at trial Wiley Fairchild ancho his dating of [illegible]isit as coming shortly after the vi from Robert [illegible]ing the Porter fee, the visit from Robert Royals.

THE CO[illegible]

MR. F[illegible] what was told to the government the grand jury, [illegible]ted that from Wiley on direct examination in t[illegible].

THE COU[illegible].

MR. FA[illegible] And Royals --

THE COU[illegible]yals would testify, according to your analysis, th[illegible]ned on a different date?

MR. FA[illegible]ent year. By necessity it had to happen no later th[illegible]th, 81.

THE COU[illegible] Now, the fact that he testified differently is not [illegible]orial misconduct.

MR. FA[illegible]d agree. I would agree. Except that's not what ma[illegible] prosecutorial misconduct. They knew that Royals [illegible] every reason to believe that Royals was accurat[illegible] and Wiley was not.

What is [illegible]on? First, I think the Court can take notice of thi[illegible]lear if there was one human being who has ever been [illegible]ness stand who had a great deal of difficulty it's [illegible]d. That's just the background.

They [illegible]ness Drew Fairchild, the son of

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Wiley, who was their witness and who both in the grand jury, I don't know about the grand jury, but I know pretrial, knew that the conversations concerning, the conversations with Royals which they knew he had, occurred back in 81, because it came, those conversations came before Wiley Fairchild satisfied the debt due from Drew to Porter. That debt was due, excuse me, that debt was paid on September 3rd, 81 by the check of seventy-five hundred dollars.

Moreover, what they knew from Drew is that there had been a threat of prosecution, that the message that was coming across was pay or we'll have you prosecuted. Well, as Drew testified on the stand on cross, that threat had to come before he was actually prosecuted, which was August of 81. They had these facts, they had or, if -- did you have the checks?

MR. WEINGARTEN: Yes.

MR. FAWER: They had the checks from Wiley to Porter in full payment of the bill. There is never a request for payment of that fee after he gets the ten thousand dollars. Wiley agrees to that, Drew agrees to that, everybody agrees to that. What I'm suggesting, they chose to allow their witness to anchor his testimony on what they had every reason to believe was an erroneous date, and which is a very important date, because it puts the lie not only to Wiley in terms of th passing into the files, it also puts the lie -- indirectly puts the lie to Bud Holmes as well.

All I'm saying to you is that we are now, all we want to do is put Royals on the stand. Their belief was Royals was lying in the grand jury. They knew what Royals' position was, he denied it, their position had to be, I suggest to you that they'll tell it to you themselves, that Royals was lying when he said I didn't speak to Drew about this subject and I didn't speak to Wiley. Both Drew and Wiley told them that they had.

So what they have done is, when trial comes along, they know that they have a witness who could impeach Wiley, but who is now put in jeopardy, because they have got him in a position where to tell the truth as they understand it, he'd have to commit, subject himself to perjury prosecution.

Now, all they had to do is not anchor Wiley's testimony, I say not anchor, I mean, you know, you deal with a witness in preparation of the trial. They could have very easily dealt with his testimony without the anchoring. They said well that's when he anchors it.

If they had told Wiley, or told him some of the other objective facts as I did on cross, it's not a case of leading him away, but pointing out, hey, look, these are the facts, didn't this call have to occur before you paid Bill Porter and before your son was indicted? He would see he couldn't have anchored it that way. But they didn't choose to do it, so they put us in the position, because what did they know? They know they have effectively denied us the ability to impeach him, because they put the man in the grand jury and had him potentially, they could indict him if he told the story they knew is the truth.

THE COURT: What have you got to say about it?

MR. WEINGARTEN: I couldn't follow much of it. Wiley Fairchild always maintained in his mind the reason he wanted Judge Nixon was because somewhere along the line he felt he was being blackmailed. Somewhere along the line he remembers Royals coming to him. You know, whether or not that's accurate is beside the point, that's his position.

MR. FAWER: Can I ask you a question?

MR. WEINGARTEN: Yes.

MR. FAWER: Will you agree, if the visit in fact occurred in 81, that could not be the catalyst for Wiley talking to Nixon, would you agree to that? Would you agree to that?

MR. WEINGARTEN: If in fact Wiley is accurate and that's the only visit from Royals.

MR. FAWER: If the complaint, he's testified that it was a complaint about the fee. And that was the catalyst, he thought there was a blackmail.

MR. WEINGARTEN: Not the fee, money.

MR. FAWER: I propose, motion is denied, I want to put him on the stand now or at some point. There is no question that if Wiley --

THE COURT: Well, put on him the stand right now.

MR. FAWER: That's fine. May I, Your Honor?

THE COURT: Yes, right here.

REID WEINGARTEN,

being first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. FAWER:

Q. Mr. Weingarten, you elicited, did you not, from Wiley Fairchild testimony that he recalled that what brought about the call to Judge Nixon was a visit from Robert Royals, is that correct?

A. At this trial?

Q. At this trial.

A. That's my recollection, that he associates, that he associates the visit from Judge Nixon with an approach from Robert Royals.

Q. And that the Royals' approach concerned his seeking money from -- that his approach concerned his seeking money due Porter?

A. No.

Q. That is not your recollection?

A. That's not my recollection. I would like to be refreshed if that's what Wiley said.

Q. The record speaks for itself.

A. My recollection is Wiley was concerned about blackmail, not to pay a legal fee. My recollection is Wiley had a lot of contact with Royals, and could not date the specific visit.

Q. Do you recall the message being that he had said that Drew, that Drew owed Porter the money, that Royals told Porter that Drew didn't have the money, and that his old man, Porter then said his old man should get up off his money?

A. I remember words to that effect, but I specifically remember Wiley not associating it to a legal fee that was due Porter before, which he in fact satisfied.

Q. Okay. Excuse me. All I'm asking you is do you recall that what Wiley is triggering is the Royals visit concerning money?

A. Yes.

Q. Okay. You questioned, did you not, in the grand jury, Royals about this conversation, whether he had such a conversation with Porter, and whether in turn he communicated that subject to Drew? Did you not question him about that?

A. Yes.

Q. Did you not also question Wiley Fairchild about the same subject, excuse me, did you not question Robert Royals about the same subject in the grand jury?

A. I just said yeah.

Q. I said Drew the first time, Wiley the second time?

A. Yes.

Q. You questioned both?

A. Yes.

Q. When did you become aware -- did you ever ask Drew when he had such a conversation with Royals?

A. Absolutely.

Q. And didn't he tell you that it was in 1981?

A. In connection with his fee.

Q. Okay. So Drew Fairchild told you that he had such a conversation with Porter, excuse me, with Royals, and it had to be in advance of the payment of the fee by Wiley Fairchild, yes or no?

A. According to Drew.

Q. Excuse me, Drew Fairchild, your witness, right?

A. I get one version from Drew, one version from Wiley, and one version from Royals.

Q. Beg your pardon. You get Wiley telling you that he had the conversation with Royals, right, about money?

A. Yes.

Q. Drew tells you that the money, that's in his recollection, the money concerned Porter's fee and happened before Porter was paid, correct?

A. Yes.

Q. Can we stipulate Porter was paid in full no later than September 3rd?

A. For his legitimate legal fee?

Q. Exactly.

A. Yes.

Q. Is it fair to say Drew had never testified, has never suggested there was ever any request for any additional money by Porter?

A. That he knew of.

Q. That he knew of?

A. Yes.

Q. Okay. The only information you had at the time you put Wiley on the stand is that you had the checks reflecting the payment by Wiley to Porter, correct?

A. Uh-huh (yes).

Q. They were dated July 3rd for $2,659, and seventy-five hundred dollars on September 3rd, correct?

A. Uh-huh (yes).

Q. Okay. By the way, did you also know that those conversations had tied to it, that if there was, your understanding, pay the fee or there is a liklihood Drew would get indicted?

A. It would be legal problems for Drew.

Q. Therefore, therefore do I understand correctly it meant, Drew told you that the conversation had to even come before the August 26th state indictment of him?

A. According to Drew.

Q. According to Drew. Those are the facts that you're sitting with when Wiley gets on the stand?

A. No, there are more facts than that.

Q. I understand that, okay. The facts relating to this conversation, correct?

A. No, there are more facts than this.

Q. Tell me what they are?

A. There is a visit to the prison in May, 1982.

Q. When did you get that document?

A. A long time ago.

Q. You had it when?

A. Before trial.

Q. Wiley never told you the visit was in May of 82 -- he told you in the fall?

A. Let me -- there is a long relationship between Royals and Wiley. There is an extensive financial relationship between Royals and Wiley and there are frequent visits from Royals to Wiley Fairchild.

Q. We all understand, Mr. Weingarten, that the other matters have to do -- financial relationship between Wiley Fairchild and Royals. Is it fair to say Wiley had never suggested that the conversation that triggered his unhappiness had to do with any money owed by Royals to him, am I correct?

A. Absolutely not.

Q. So that's not the question. The question has to do with money due Porter, the only other subject is money due Porter for the Drew Fairchild fee?

A. I don't think that's fair.

Q. Do you know of anything else?

A. I think it's absolutely conceivable Royals would have gone to Wiley, get off your money, Wiley Fairchild definitely suspecting it's coming from Bud Holmes, Royals serving as Bud Holmes' pilot.

Q. Conceivable is what you were working with, as opposed to these facts?

A. And Wiley Fairchild's recollection. Maybe I'm not a competent lawyer, Mr. Pawer. This is his association, I didn't attempt to tamper with that. That's consistently been his position.

Q. Tamper, was that the word?

A. Yes.

Q. I see. So we understand correctly, you then knew when you got, put him on the stand and had him testify as you say to a date, that you did not believe Royals' testimony as he had testified in the grand jury?

A. Certainly had my doubts.

Q. You believe he had lied to you in the grand jury?

A. Well, I mean I don't know --

Q. You believe subjectively, you believed he had perjured himself in the grand jury with respect to whether or not he discussed Porter's fee with Drew, am I correct?

A. On balance I would have assumed somewhere along the line Robert Royals made an approach to Drew and Wiley Fairchild.

Q. Fine. You knew according to Drew that had been before August 26th of 81, correct?

A. That's Drew's version.

Q. That's fine. And you knew that by eliciting what you did from Wiley Fairchild, that if this man Royals were to be called to tell what you believe was the truth, he would commit perjury?

A. That's strong language, Mr. Fawer, that is -- that is just not fair.

Q. Maybe when I'm finished questioning you, they can have cross-examination. Mr. Weingarten?

A. Yes.

Q. You told us a minute ago that you believe that Robert Royals had lied to the grand jury with respect to the conversation that Drew had related to you, correct?

A. I don't know how to answer that. I had a suspicion that certainly Drew was telling the truth, he didn't appear to have any motive to lie. I mean the two men had a complex relationship, obviously Royals wanted no trouble, he was as guilty as Drew, it was entirely conceivable to me Drew was telling the truth, Royals wanted Porter to be paid so there won't be an indictment. It was entirely conceivable he would have approached Wiley as the situation went along, because he was subject to prosecution just the way Drew was. It was entirely conceivable Drew is telling the truth and Wiley

Fairchild is telling the truth about more than one approach from Robert Royals.

Q. With respect to Porter's fee?

A. With respect to money.

Q. Was there ever any question that -- did anyone ever suggest that the money had anything to do with anything other than Porter's fee?

A. Wiley.

Q. When?

A. In his testimony.

Q. Okay. Did you have any other information to date it beyond August of 81, other than what you say is, it's conceivable?

A. Wiley's recollection.

Q. Wiley's recollection?

A. Yes.

Q. Do you want to comment on that?

A. His testimony speaks for itself.

Q. Okay. In any event, you knew when you put Wiley on the stand that you subjectively believed that Royals, were he to tell the truth, he would be committing perjury, am I correct?

A. Well, perjury --

Q. Lying.

A. His testimony could have been inconsistent, he may have a --

Q. Well, put it to you the other way. If he were to get on the stand and testify as I represent to you he will testify here, that that would be inconsistent with --

A. With his grand jury.

Q. With what he testified to under oath?

A. Of that is no question. If your representations are accurate, there is no doubt his testimony would be inconsistent with his grand jury testimony.

Q. And you believed -- excuse me, you don't like it, you can, we can deal with it otherwise. You believe the truth to be that Royals had discussed the Porter fee both with Drew and with Wiley, am I correct?

A. At what time? Right now?

Q. Before you went to trial?

A. I'm not sure.

Q. Before you went to trial in this case, you subjectively -- are you telling me --

A. Absolutely, I subjectively believed that there were approaches.

MR. FAWER: No other questions. I submit, Your Honor, based on that testimony, I have been put in a box. I mean he can sit --

MR. WEINGARTEN: Can I make a suggestion? This might clarify everything. This might all be for naught. I have had contact with Washington. I explained, they said it is absolutely not justified for the United States to issue an immunity order on the basis of what is in the record. However, there is no decision been made that Robert Royals is going to be prosecuted for perjury, no conclusion --

MR. FAWER: He's going to take the Fifth.

MR. WEINGARTEN: The point being, if his lawyer is so advised, no one is drafting an indictment, he may not take the Fifth.

MR. FAWER: He just told me he will.

THE COURT: Can you bring his lawyer?

MR. FAWER: We're trying to get ahold of Rex Jones now. What's the point?

MR. WEINGARTEN: It might be moot.

MR. FAWER: It's only moot when you say I won't prosecute or the Judge says you cannot prosecute, otherwise the man is going to say I can't testify, I have jeopardy. He's going to take the Fifth. It's obvious he has jeopardy. Wait and see if you prosecute, what kind of ridiculous comment is that. There is no indictment being drafted.

THE COURT: The point remains that there has been no prosecutorial misconduct.

MR. FAWER: I disagree with Your Honor. I think that is exactly what these cases talk about. That is the wine that fills the bottle of what they are talking about. They have put me in the box by their willingness to distort the process.

Understand me, I don't say that they put Royals before the grand jury simply to deny me a witness, that's not what they did. It's simply that they knew that Wiley's testimony could well be inaccurate and everything they had of an objective nature had to point in the direct that it was inaccurate. The testimony of Drew, the checks, the Porter fee, when it happened, the visits, all of it, would have corroborated that.

In fact, if they thought it was significant enough, Judge, I suggest to you they could have independently immunized Royals, follow me, given up a perjury prosecution for the sake of not putting on erroneous testimony in this case. Had they done that, they would have learned from Royals the truth, then they would have known categorically that Wiley was inaccurate in his recollection, and he couldn't have used the Royals date to trigger the Nixon meeting. They had it within their power to do that. They chose not to, because they would rather have Wiley throw an inaccurate date to the jury, because it fit their scenario. See, otherwise the whole backdating nonsense doesn't make sense. That's what this is all about. You talk about misconduct, it's a case of, it's a matter of how you try your case. It's a matter of how interested you really are in the truth. You want to find out the truth, they do it all the time, immunize the guy, they have him in the can already for three years, immunize him.

THE COURT: You've made your record.

MR. FAWER: That's right.

THE COURT: The Court does not feel -- I am not going to grant the immunity to this guy.

MR. FAWER: Fine. I understand. I object. For the record, I would then offer, I would like to offer the testimony of a witness to whom he revealed the same information, under 804(b)(3). He's unavailable by definition under 804.

MR. WEINGARTEN: Who is the witness?

MR. FAWER: Rex Jones.

MR. WEINGARTEN: I think he's got a right to do it. I think a declaration against penal interest, I think he has a right to do it.

THE COURT: Do what?

MR. WEINGARTEN: Put on a witness, if he says recently, I suppose recently means in the last couple days, Robert Royals made statements --

MR. FAWER: I think he's known it for a long time, he's his lawyer.

MR. WEINGARTEN: If you get a waiver -- Recently in the sense, after the grand jury, knowing the guy is in jeopardy. The point is, obviously when he makes the statement he has to be himself in jeopardy.

MR. FAWER: No, he doesn't. The jeopardy he is in, what makes it admissible under 804 is that the man himself --

MR. WEINGARTEN: Thinks of himself --

MR. FAWER: The jeopardy doesn't have to do with perjury. Could have to do with perjury, also has to do with what the communication is. If he's communicating an ostensive threat of -- that's a potential crime in his mind. The declaration against interest has two possibilities here.

Trying to get ahold of Rex Jones, I mean I don't think we ought to wait for that. We need to put him on we'll put him on when we get to the case. I don't think we ought to sit around. We've asked him to come over. Most likely he'll be here by lunch time. I have two other witnesses. Let's put them on, okay?

Thank you, Judge. Give me five minutes just to get my stuff and tell everybody what's happening.

(Recess.)

* * * * * * * * * * *

(Chambers, February 7, 1986:)

THE COURT: In direct examination of Judge Nixon, his lawyer asked him this question: "I want to ask you another question. You told us that you went though that grand jury or when you were at the grand jury you were aware that you had seen Wiley on a night several years before, or I should say an afternoon, that you were at the farm and passed on the blackmail complaint of Wiley's to go the Bud Holmes? Right.

MR. FAWER: Excuse me, of Wiley's to Bud Holmes.

THE COURT: Or Wiley's to Bud Holmes, right?

"Answer: Right.

"Question: And that Bud then made a phone call to Wiley which surprised you but it did occur, correct?

"Answer: Yes.

"Question: And you're in the grand jury. Were you aware at that time, did you remember those events?

"Answer: Yes.

"Well then I understand you weren't asked the question, but I want to go a step further. Why didn't you volunteer the information to the grand jury, just volunteer it as a tidbit for them?

"Answer: All right. The focus of the entire investigation, the interview with me with Mr. Weingarten and Mr. Whitespunner, all the news media publicity, my conversation with Bill Goodman, my attorney, all showed that the focus of the investigation was whether there was any link or connection between Drew, the Drew Fairchild drug case and my oil and gas transaction with Wiley Fairchild. Bill Goodman and I spent many hours together.

"Question: Yes, sir, your only --

"Answer: Yes?

"Question: Go ahead.

"Answer: With reference to that matter, with reference to the impending grand jury investigation we discussed it. He's a good lawyer. He advised me as a good lawyer would advise his client to listen to the questions and answer the questions, to be responsive to them and I did.

"Have you ever been a witness before the grand jury?

"This is the first time I've ever been a witness in any proceeding.

"Question: Did you try to follow his advice in the grand jury?

"Answer: Yes, I did.

MR. FAWER: The rest of it I think -- you can read on, Judge, but I think, that becomes the --

THE COURT: All right. Now, the question that Mr. Weingarten on cross-examination wants to ask him is what?

MR. WEINGARTEN: Is did your attorney give you advice, specific advice about the phone call.

THE COURT: And your response is?

MR. FAWER: That is a total violation of the attorney-client privilege. It goes to the very heart of what is, what this case is all about. Bears on the very heart of the attorney-client confidential communication. All I asked about, all I elicited, or this witness volunteered, was the attorney had suggested he be responsive to the questions. Being responsive to the questions, I submit, is not the kind of information which is, which is of a substantive nature as opposed to a form nature. It does not go to the kind of expectation of privacy that you would have, as you would on the substantive issues.

The attorney-client privilege is one of the most sacrosanct we have in our judicial system. I think it's supposed to be limited to substantive issues, or the substance of confidential communications. And here what you're allowing the government to do is, in effect, go right into the middle of that, take the cloak of that protection off and allow a government prosecutor to ask a witness, you know, client in the sense what did your attorney, did you in effect, did you tell your attorney about it, and what did your attorney tell you to do if asked a question, if asked certain types of questions in the grand jury about that subject?

Now I can't imagine what is more protected than that. I know there is a doctrine of waiver. I don't believe the door was opened. It surely wasn't opened to the substance of the conversation, which I suggest is what's being asked of the witness here. I think the cases that we can find are limited in nature, they don't -- I don't think the government or we have be able to come up with a case which is on all fours. I think the closest is in the Weger case, 709 F.2d 1151, and the Lawless case, also in 709 F.2d. While they were not dispositive, are instructive as to what this privilege is supposed to protect, and there is a distinction between the substance, the core of the relationship and the conversation between the attorney and the client, and that which need not get the same type of privilege. And the government has the right to inquire as to that which is outside that area, or which is not in furtherance of those confidential communications, but here the government is looking to go right through it.

If the Court permits that to be done, I suggest it's in violation of the attorney-client privilege and is a serious error from a policy point of view as well as in this case.

Point out something else, Judge. All I was trying to do is establish what the witness's state of mind is. In other words, what we're talking about, there is an issue of criminal intent, wholly apart from truthfulness or objective truthfulness on an issue is the intent to lie. And I was asking that question in terms or solely his state of mind.

Now he had been questioned three months before in

April about a subject matter, pretty clear was the connection of the oil and gas and Drew Fairchild case. The publicity as he said was the same. That's -- his discussions in the general sense, without becoming precise, his discussions with his attorney gives the same flavor, that's what they zeroed in on. His attorney says answer the questions precisely, just answer the questions, and then he goes to a grand jury where that's the same subject matter. All that bore on his state of mind. He didn't try to use it in any way as a defense that his lawyer said something, you know, where he's trying to use that lawyer's advice as a shield. He wasn't. He's simply saying that was his state of mind, he was told to answer the questions, and that's what he did. His, remember the questions and answers all before this, is he's saying I never had a discussion with Wiley or with Bud about that subject, about the Drew Fairchild case. Therefore when they asked, when I was asked that, I answered no. That's the background. I then, therefore that was the truth when I said it. It's the truth now.

I asked the additional question because I think it was a fair question to be asked, in all likelihood would be asked if I was the prosecutor, why didn't you volunteer it? He has no obligation to volunteer it, but I thought it was worthwhile to put that out there because I think it's a question the jury could legitimately inquire into. He simply is inquiring his state of mind as he goes into the grand jury. On top of the being the truth he has this background. And that's the reason. Seems to me that doesn't open up the attorney-client relationship, attorney-client communication as it would if the government is allowed to ask that question.

THE COURT: Well, the Court holds that in view of the fact that you specifically asked him about the phone call, and asked him about his attorney's advice, what his attorney advised him, that you've opened up the question or the phone call and that the government has the right to explore that in cross-examination.

MR. FAWER: Also, so it's understood, I did not ask him what his attorney's advice was. I don't believe I did. He volunteered -- I asked him why he didn't volunteer it, and in the course of explaining his state of mind, he mentioned the attorney's advice. I think I'm right about that. All I did, when he mentioned Bill Goodman, I interjected, I said is that your attorney? He said yes and went on. I do not believe that by my asking that question, or by his volunteering that, that he was waiving the attorney-client privilege. He has an expectation of privacy that you're now saying he doesn't have a right to have, expectation of confidentiality.

THE COURT: Okay. Anything else?

MR. WEINGARTEN: Yeah. Background to this is Judge Nixon's testimony on direct that he was not subpoenaed back to the grand jury, he was not interviewed about the telephone call, the implication being that he was not permitted to give his version of the telephone call to the government once the government had information from Holmes, Fairchild, and Ingram.

It turns out that in July of 1985, Judge Nixon's attorneys were advised by the Department of Justice that the Department had authorized the presentation of an indictment to the grand jury. Thereafter, there were numerous conversations between Judge Nixon's attorneys and the Department of Justice, the indictment presentation was put off twice, Judge Nixon's attorneys were provided with the alleged perjurious statements in the grand jury, there were numerous conversations, and thereafter an indictment was presented.

I would like to elicit that information from Judge Nixon to see if he was aware of it.

MR. PAWER: What was the context in which these discussions took place? Tell the Judge.

MR. WEINGARTEN: Well, certainly.

MR. PAWER: Put a label on them.

MR. WEINGARTEN: I don't know if I could put a label on them. Simply plea negotiations.

MR. PAWER: It was what's -- that's what you were hoping for.

MR. WEINGARTEN: I don't know if I was looking.

MR. PAWER: When I got in the case, told you no way, the first thing you said to me.

MR. WEINGARTEN: In fairness we advised his attorneys in advance the Department has authorized presentation. His attorneys requested a delay. His attorneys were Bill Goodman and Griffin Bell.

MR. FAWER: The delay was Griffin. That's so he could find out.

MR. WEINGARTEN: It was granted twice.

MR. FAWER: He was in the middle of the Hutton case, you know and I know it, and you know --

MR. WEINGARTEN: I'm not denying that. Griffin Bell wanted another month he would have gotten another month.

MR. FAWER: I don't know why he gets a month --

MR. WEINGARTEN: Same as you.

MR. FAWER: I didn't ask for it.

MR. WEINGARTEN: You would have gotten it.

MR. FAWER: The point is, the delay is not for any reason but Bell -- Goodman is not a criminal attorney. For some reason they get Griffin Bell, who is not a criminal attorney, to work on this matter, and this is all in July of 1985. I'm not in this case at this time.

MR. WEINGARTEN: August.

MR. FAWER: I came in the case in August. This was -- preceded my entry into the case. Apparently Bell, they come in and there is contact up until then I guess between Goodman and the office, your office, and once Bell comes in there is a delay, basically for him to get familiarized with what the facts are, talks to the client, talks to Goodman, there is a series of meeting, assume it's so, at least conversations between --

MR. WEINGARTEN: Three meetings, three or four meetings in Washington, a zillion conversations, and -- our recollection, Jan's recollection, my recollection, and my boss' recollection, grand jury was discussed with Bell, declined the opportunity, said it would be nothing but trouble. We discussed it with defense counsel. Goodman doesn't have that recollection.

MR. FAWER: So we don't mix two things. Defense counsel specifically denies that that's what was discussed. Talking about Goodman. He has told you. You have told him --

MR. WEINGARTEN: No, I don't think he specifically denies it. He told me he has no recollection of it.

MR. FAWER: Fine. Your recollection it took place, his recollection is non-existent on it, right, he was supposed to have been present?

MR. WEINGARTEN: He was.

MR. FAWER: What does Bell say?

MR. WEINGARTEN: He didn't deny it. He doesn't recall.

MR. FAWER: Interestingly enough, you people remember, and they don't have any recollection. That's the state of the facts right now. My point is, now you want to ask if those took place as I recall, because the first thing out of your mouth when I told you I was taking over the case is we're still talking plea, and I told you what you could do with the plea, right?

MR. WEINGARTEN: I don't know if that was the first thing was discussed.

MR. FAWER: Maybe it took you five minutes to say hey, we know some people in common, in all candor.

MR. WEINGARTEN: I don't know, what's the point to that?

MR. FAWER: The point --

MR. WEINGARTEN: The point is that --

MR. FAWER: The discussions that you were having with these two men was in the context of their exploring, Bell's exploring, who I say is not a criminal attorney, plea negotiations in the case, and I'm saying that because, frankly I don't understand why he was doing that, but that's his business. But that's the context in which you people are talking. I don't think you have a right to now ask a client what he knows about those discussions. First of all, plea negotiations are not something that are admissible in a criminal case. The bottom line is, regardless of anything, they had the right to issue a subpoena. He would have had the right to either come to the grand jury again or decline to come by exercising his Fifth Amendment privilege. They never issued a subpoena. I brought that out.

THE COURT: Well, he has a right also to volunteer to come to the grand jury, too, if there is --

MR. FAWER: He already had.

THE COURT: I know.

MR. FAWER: They can, I don't want -- want to ask that question, that's a different question. Did you volunteer to come back, I think that was brought out already. I may be wrong, I have no quarrel with that. He can ask that question.

MR. WEINGARTEN: I think we have a right to bring out the fact there were communications between his attorneys and the Department of Justice.

MR. FAWER: But that puts us, how do I deal with what then you're putting me in a position of having to ask the client, was there ever suggestion that you go back, that you were invited back? We're right in the middle of that issue, right back invading the attorney-client privilege. You had communications with him, okay? He's not present. You know and I know what those negotiations in part were about. He's not a party to those negotiations.

MR. WEINGARTEN: Only in part. There was discussions that really had nothing to do with Rule 11. There were --

MR. FAWER: I understand that.

MR. WEINGARTEN: We provided information to defense counsel.

MR. FAWER: Nobody is disagreeing with you on that. I said in part.

MR. WEINGARTEN: I think it's legitimate to bring that out.

MR. FAWER: Why? What's the relevance to --

MR. WEINGARTEN: To respond to your --.

MR. FAWER: Look, let's assume you're right. All he has to say, up until the day you indicted him, you could have subpoenaed him back.

MR. WEINGARTEN: As a practical matter you know you can't do that.

MR. FAWER: You can't subpoena a target? What are you talking about?

MR. WEINGARTEN: You can legally, we don't to it as a matter of course. It's not my policy, it's Department of Justice policy.

MR. FAWER: Not when the man has already gone, you brought all these --

MR. WEINGARTEN: After.

MR. FAWER: Wonderful. If you had brought him back, fairness in my view, you think he was perjuring himself, then don't sandbag him. Put him in the grand jury. If he takes the Fifth, indict him.

MR. WEINGARTEN: Don't sandbag, put him in and ask him the question that would --

MR. FAWER: You might get the unhappy fact, he'll tell you the truth, right, as you want to know it, and you lose your perjury case, okay?

MR. WEINGARTEN: We do that to Holmes, an allegation of prosecutorial misconduct for putting him in.

MR. FAWER: That's fine. I've been at the Department, and I've been on the outside, and I recognize a sandbag when I see one.

MR. WEINGARTEN: You recognize -- we sit down with his attorneys, give him the perjury.

MR. FAWER: No question.

MR. WEINGARTEN: That's routine, that's sandbagging? Giving the guy his perjury, before any indictment?

MR. FAWER: Big deal, so you're giving him his perjury.

MR. WEINGARTEN: So he knows exactly what's coming.

MR. FAWER: You already had the indictment of Holmes, was the same perjury.

MR. WEINGARTEN: So that's sandbagging?

MR. FAWER: No, sandbagging is not calling him back to the grand jury. Why didn't you go interview him? Did you ask these people to let you? No.

MR. WEINGARTEN: The point is --

MR. FAWER: Did you go talk to the Judge again?

MR. WEINGARTEN: I called his frigging lawyers, said come up to Washington and find out the situation.

MR. FAWER: That's his lawyers.

MR. WEINGARTEN: Oh, I see. I should have called Judge Nixon directly? I was supposed to do other than communicate with the lawyers?

MR. FAWER: You don't want him to do it.

MR. WEINGARTEN: Seriously.

MR. FAWER: I'm saying you never asked them, let us sit down and hear what the Judge has to say on this issue, you never did that.

MR. WEINGARTEN: We wanted the information through his lawyers.

MR. FAWER: Did you ask the lawyers, how about the client? We're going to indict him for perjury, why don't you --

MR. WEINGARTEN: I assume the former Attorney General of the United States has enough sense to represent his client as he sees fit.

MR. FAWER: What I'm saying, you didn't -- all I asked the client was, were you subpoenaed. The answer is no. Were you asked to come back, no.

MS. LITTLE: That leaves a misleading impression.

MR. FAWER: You're free to say he didn't come back, bring out he didn't volunteer to go back, he didn't ask to go back.

MS. LITTLE: The volunteering has to be in a context, otherwise it's misleading.

MR. FAWER: Or what?

MS. LITTLE: The fact is there were continuing communications.

MR. FAWER: Well, the jury --

MS. LITTLE: The jury doesn't know, though.

MR. FAWER: Of course they do. I brought out, if you recall --

MS. LITTLE: Not the 1984, in 1985.

MR. FAWER: If it was there in 84 it was there in 85, I have no quarrel with that. He got Bill Goodman first thing, because he knows there is a grand jury, tell them I would like to testify, and that's set up. That's on this record. So there is no question there are avenues of communication open.. Mention he had an attorney, fine. I don't think you appreciate the problem if you go and tell them it's Griffin Bell.

MR. WEINGARTEN: What's the difference?

MR. FAWER: Because he is the Attorney General. I don't think we need to really do it, okay? He was the former Attorney General, I don't think it's of any significance. Tell me the significance.

MR. WEINGARTEN: What's the significance of identifying Goodman?

MR. FAWER: Goodman's just a name, it is of no significance. That's my point.

MR. WEINGARTEN: I haven't even thought of that.

MR. FAWER: Well, I'm suggesting it to you. It doesn't have any significance. I have no quarrel if you want to put on he had counsel up until the time he was indicted and there were avenues of communication, fine. Bottom line is, from my point of view, you never asked him, never issued, took the process that you had available to you and issued it. You preferred instead to indict him, that's all. That's all I'm saying to you.

MR. WEINGARTEN: You're not objecting to me asking him whether or not he was aware there was communications between his --

MR. FAWER: No, no, I didn't say that. The communications I do object to. All I'm saying, he had an attorney, I have no quarrel with the fact that the attorneys were in touch with the Department of Justice, okay.

MR. WEINGARTEN: That's what I'm saying.

MR. FAWER: In touch. Don't be too loose with the language that you use, all right? What I'm saying to you is he had an attorney, that he was aware that they were in touch with the Department of Justice, your office, and just ask him did he ever volunteer himself or through them to go back? I don't have any problem with that.

MS. LITTLE: The attorneys were aware it was a perjury indictment that was being considered.

MR. FAWER: So? So?

MS. LITTLE: The Judge could, if he had wanted to go back and clarify he could have done so.

MR. FAWER: You have --

MS. LITTLE: Again as a practical matter.

MR. FAWER: There is no practical matter. Let me tell you, with a sitting federal judge, a lot of nonsense about the target, issue a subpoena to whoever you want to issue, whether it's practicality or circumstance. I was up at that end just as well as this end, okay.

THE COURT: What do you want to do, Mr. Weingarten?

MR. FAWER: You ask the question, and we hit you in the nose with it, don't blame me.

MR. WEINGARTEN: What do you mean hit me in the nose, He was represented by counsel.

MR. FAWER: I am noy going to sit here and tell you the answers to any of your questions.

MR. WEINGARTEN: I just want to make sure what Mr. Fawer is not objecting to. State it one more time.

MR. FAWER: I am not objecting to you asking the question that from the time he was at the grand jury in July until the time of his indictment, okay, he had counsel, that the counsel had been -- were in communication with your office, okay?

MR. WEINGARTEN: Okay.

MR. FAWER: And the only other question I don't object to is did you ever volunteer to return to the grand jury.

MR. WEINGARTEN: Well, if I get hit in the nose I'm going to come back.

MR. FAWER: Better go to the bench first. Just don't bleed on the bench.

THE COURT: What do you want to ask?

MR. WEINGARTEN: I want to know whether or not he was advised that an indictment, that the Department had contacted his attorneys and advised them an indictment had been authorized.

MR. FAWER: That's communications.

MR. WEINGARTEN: See if he was aware of that, see if he was aware his attorneys requested a delay.

MR. FAWER: What's the relevance of this?

MR. WEINGARTEN: That he was fully aware of what was going on with the Department of Justice and had every opportunity to communicate anything he wanted.

MR. FAWER: All you know, what to get from him is the fact he didn't volunteer. He was in communication right up to the date of indictment, he didn't volunteer, I have no problem. Beyond that you're talking about a direct violation, not only of the confidential communication between the attorney and the client, but in the course of negotiations with the Department.

THE COURT: Mr. Fawer, you've taken the position before the jury that in effect the Department of Justice has sandbagged this man.

MR. FAWER: Right.

THE COURT: By not calling him back.

MR. FAWER: Right.

THE COURT: Certainly they have got a right to know that the Department of Justice talked to his attorneys and told them what was going on.

MR. FAWER: He wasn't present at that.

THE COURT: I understand that.

MR. FAWER: So what has that got to do, how -- you can bring that out from somebody, but not from him. He wasn't present. How are you going to get that in? The rulings of hearsay have been loose enough in this trial. You're going to bring out from him communications -- I don't know what the attorneys told him, what they didn't tell him.

THE COURT: I don't know either.

MR. FAWER: My problem is this: From what I understand from speaking to the attorneys, they were exploring things with the Department that were far beyond what the client was authorizing them to do. I'm not, what I'm saying is they were exploring plea and the client wasn't thinking plea. I don't hold them at fault, an attorney does that to try to know the parameters of his alternatives. But my problem is he's saying here, sure he knows the attorneys are in touch, Reid and Jan, whoever else it was, knows what they said or didn't say to these attorneys. But why is that going to be attributed back to him? All I'm saying is it's relevant, is for them to be able to counterbalance the, counterbalance the failure to issue a subpoena with the right to volunteer. That's the balance, that's all.

Look, my argument is there regardless. I mean if I didn't ask that question, okay? If I didn't ask the question. Don't I still have that argument, everybody else is called back to the grand jury. I mean do I need that extra statement? He wasn't subpoenaed, the answer is, they didn't, he wasn't called back. Everybody else when they found it necessary to put them in the grand jury they did. I don't have any problem with having that argument available to me. All I established is they didn't issue a subpoena. I brought it out from their first witness they put on the stand, jury foreman, chose not to call him back, they knew he had that power.

Now, does he have a right to volunteer? He obviously does because he knew it the first time. I have no quarrel with them asking that question.

MR. WEINGARTEN: Well, I think we can elicit the fact his counsel was in communication with the Department, counsel went to Washington to meet with the Department.

MR. FAWER: I don't think you can.

MR. WEINGARTEN: I think we can.

MR. FAWER: I don't think you can. I think we ought to have a ruling on that. There is -- what the subjects are, I don't even know -- look, Petit Bois is in the middle of this whole thing. You're talking Petit Bois as much as you're talking this case. Come on, you know you are.

MR. WEINGARTEN: I'm not denying --

MR. FAWER: Right. That's why they are up there. What you're doing is threatening an indictment in Petit Bois. That's what you were doing.

MR. WEINGARTEN: Hardly. I was hardly threatening Griffin Bell.

MR. FAWER: When I say threatening, the leverage being, as I otherwise put it, the hook, was Petit Bois. What you're holding over his head was the potential -- I mean why are we playing with this issue? You've told everybody you brought up, Stocks and Lewis, they have gone on the air to state that if you, if they would give you the Judge, they have gone public and said that the Department said, give us Judge Nixon, and we walk. I didn't write those scripts. I don't represent them. This is what was going on the whole time. So what I'm saying is you open up the whole can of worms. The negotiations weren't just on this case, they were talking about a whole separate case, and to put the Judge in the position, Judge Nixon, of having to respond but not be able to talk about why they were up there, which is to say that the Petit Bois thing was all nonsense, he can't do it.

He doesn't, he's not anxious to open up Petit Bois in this courtroom. The one thing we have done is kept it out of the courtroom. I don't see why the negotiations between the Department and the attorneys is relevant, except to say that there was attorneys, they were in communication up until the time, and at no time did he volunteer to go back. I have no problem with that. That's all that's needed.

THE COURT: Well, I think I'll limit the government's cross-examination to the fact that he had an attorney, that they went to Washington, but not what they discussed.

MR. WEINGARTEN: I think we should be able to elicit whether or not Judge Nixon was aware that the alleged perjury was shown to the attorneys before the indictment.

MR. FAWER: I don't think that you have a right to do that. You're talking about the communications between the attorneys. That's even worse what he wants to do. He doesn't, he wants to, in order to get that in, it means you have to once again go to a discussion between the attorney and Nixon concerning these discussions with the Department. That's called attorney-client privilege. Where are --

THE COURT: I'm not going to let them do that. What else have we got?

MR. PAWER: I don't think anything. I would like, I think I need to talk to the client about these issues so he knows where we stand.

THE COURT: Okay.

MR. PAWER: I want to take ten mintues.

THE COURT: Do you have anything else that needs addressed?

MR. WEINGARTEN: Not during Judge Nixon's testimony.

MS. LITTLE: Just to clarify, we can't ask whether he was aware the lawyers came up to Washington?

MR. PAWER: You can ask that, but that's it. Not the subject matter of what was discussed or they discussed with him.

MS. LITTLE: How about the timing of it?

MR. PAWER: As I understand it, I don't care, shortly before the indictment, that's fine. What else, what do you want to say? The only other question is, did you at any time volunteer to testify? No problem.

MR. PAWER: I just want to talk to Reid for two minutes before I go back and talk to him.

(Recess.)

* * * * * * * * * * *

(February 7, 1986:)

(In Chambers:)

MR. WEINGARTEN: Judge, in the defendant's testimony he denied being in Hattiesburg, Mississippi, on May 14th, 1982. The government has witnesses who are prepared to testify that he was in Hattiesburg on May 14th, 1982, and we anticipate putting them on in our rebuttal case. Mr. Fawer this morning advised us if we did we would be eliciting perjurious testimony. That's a strong statement that we take very seriously from Michael Fawer. We are -- but he will not advise us as to how the testimony is perjurious.

MR. FAWER: I'll advise you how it's perjurious, that's not what I said I wouldn't advise you to. I said I wouldn't tell you how I will prove it, that's what I told you.

I simply told you, so the Judge understands, correct me if I'm wrong, that the -- so you understand, Judge, the keying in by these people on Judge Nixon is not that I saw him on May 14th, 1982. The date itself becomes -- you'll see what I'm saying -- becomes secondary. There was this fight apparently, this hair pulling contest at Bonnie and Clyde's between these two women. What these people are saying is that hair pulling contest, they saw Judge Nixon there earlier that evening, not during the hair pulling contest, but they now remember he was there earlier that evening, and there is testimony that they have, now assume they're going to testify the hair pulling contest occurred on May 14th, 1982.

I'm saying it occurred a year later. I have information it occurred in 1983, not 1982. That's all I'm saying. I've put you on notice of that. Because I'm aware, since you told me who the witnesses are, the individuals who you're talking about, are all basically Bud Holmes' cronies, the secretary and the woman he lives with, and what I suggested to you is that from their lips, at least one of them that I know of, could establish that it didn't happen in 1982. I will not tell you now I will cross-examine your witnesses, but what I'm telling you, I was -- I want to put you on notice.

If you aren't suspect enough of the conduct of Dukes and Holmes I think you should be. I mean you've heard and you know that there was some conduct of Dukes to put it mildly was somewhat suspect in connection with Holmes' preparation for the trial, vis-a-vis Dr. Aldridge. I'm putting that a perspective.

Dukes basically and Holmes have a group of people, Bates is basically, he was a partner with them in the firm; Marcia lives with him, okay? Medley is another member of the firm, at least an attorney there. All I told to you, have no problem if you want to try to prove it. No problem at all. All I was telling you, put you on notice, I thought if you truly looked at the facts and analyzed the logic of what you're saying, or what you're adducing, you will see that you're treading on possibly adducing perjury. I didn't think you wanted to do it.

MR. WEINGARTEN: I don't.

MR. FAWER: That's fine. But I'm not going further beyond that. You chose never to question -- in my opening statement two weeks ago, and long before that in June of 85 you knew that Bud Holmes put this date on May 14th. He testified to that in the grand jury. You did nothing thereafter, excuse me -- you did nothing to try to determine whether he was telling you the truth, and that in fact you knew that that date was at odds with what you understood the facts to be.

MR. WEINGARTEN: I don't want a lecture here, we have a specific issue. The issue is whether or not Judge Nixon was in Hattiesburg on May 14th.

MR. FAWER: I understand that.

MR. WEINGARTEN: Judge Nixon could have been in Hattiesburg May 14th without making a telephone call. We have a real narrow point. You've come to the government, you said you will be putting on perjurious testimony. If all you're saying is I think I can disprove it, if that's all you're saying, I mean that's what happens in trials. If you're saying as you sit there that if you put up X, Y or Z, I have proof they are committing perjury, I think you have an obligation to prevent that.

MR. FAWER: No, I don't.

MR. WEINGARTEN: I think you do.

MR. FAWER: I have no obligation to stop your adducing perjury. I think you have adduced it in this trial, but I mean --

MR. WEINGARTEN: That might be your opinion; you've gone to the government and you've said if you put up witnesses to discuss the following subject matter --

MR. FAWER: It was not done in terms of a threat.

MR. WEINGARTEN: I'm not suggesting --

MR. FAWER: I came out of this office --

THE COURT: All right. All right.

MR. WEINGARTEN: I'm not interpreting it that way. I'm suggesting you did the honorable thing. I'm suggesting that we're prepared to do the honorable thing if that's -- if you're sitting on something, show it to the Judge, let the Judge tell me that's perjury, don't do it.

MR. FAWER: I am. I won't do that. I will not, it's not the Judge's role to do that. I am telling you, I don't think you've adequately looked at the events surrounding, the facts surrounding the event and determined whether or not you're really getting the true story from these people. What they have is this hair pulling contest, okay, which as you know and I know was a matter of gossip around this town, right? You heard that enough times.

MR. WEINGARTEN: Sure.

MR. FAWER: You know most likely from having now investigated it in the last week that people who were there told other people what had happened, I mean, when it happened the next day, two days later, they say, hey, guess what happened, and they would tell the story of Jimmie Pace grabbing Marcia's pony tail and pulling -- Marcia pulling Jimmie Pace to the ground by pulling her pony tail. Those statements were made by people you're putting on the stand, okay?

All I was suggesting is there is a lot of pressure on the people you're putting on, not by you, but by Holmes, who is out there trying to make himself look good. You understand that he is doing that? I mean you know and I know, you spoke to your witnesses in the company of Holmes and Dukes, they are the ones who are giving you the information. You're getting it from the chicken, excuse me, from the wolf, that's who you're getting it from. I'm suggesting to you, Reid, you should look at it carefully. Does it mean you shouldn't go ahead? That's for you to determine.

MS. LITTLE: The interests of justice are not served by putting on perjurious testimony. If they think --

MR. FAWER: What you have to understand, I think, I'm telling you, I think frankly I'm satisfied because as you know from now having seen what went on in this trial that I have looked at the facts surrounding the May 82 date, okay. You know in fact, you know that the events, what really went on that week, you know where the Judge was, by court record up to ten-thirty in the morning. It is fortuitous, just then they have Roper, Mark Carlson, every lawyer we've now spoken to basically can't give you any more basic information about what happened the rest of that day.

In fact, it wasn't until you people subpoenaed down some of the other lawyers and found out that there were depositions that were going on, oddly enough, I didn't even know this, Roper didn't remember this, Judge Roper, who everybody I think thinks is an extremely honorable human being, remembered that after the hearing in the morning there still were depositions being taken, the jury already been selected, sent off until Monday, and starting at ten-thirty there was still depositions going ~~on,~~ one in a hotel, Iberville Hotel, the other in the courthouse.

There is a transcript, I have it in the courtroom, where there is even a reflection in that transcript of Judge Nixon being called in to rule on an argument that takes place, you know, dispute that took place in the course of the deposition. There is some question whether the court reporter had it right as to whether it was Nixon or Roper.

MR. WEINGARTEN: The lawyers say it was Roper.

MR. FAWER: But the record says Nixon. I believe we would have one, the lawyers suddenly coming in, wait, there is a mistake.

MR. WEINGARTEN: I'm sure Roper would remember.

MR. FAWER: Roper had no recollection. I've showed it to him. He has no recollection. It's a transcript that says right on it, here comes the Judge, and Judge, the Honorable Walter Nixon enters, then you have this colloquy of the Judge being told what the problem is and his ruling on it. Roper or Nixon don't have a recollection, they ruled on thousands of times when they have disputes, I'm sure Your Honor has too.

What I'm saying to you is that, you know, I have looked at the events of that week, particularly of that day. I have looked at what's gone on. Now what you want to do is bring on these people whom I'm suggesting suddenly at the very last minute are coming in to corobborate Bud Holmes. You got a calendar which has something on it on a date where you know and I know there is no way that Nixon could have been in that case, in that, in Hattiesburg. So we come up then with the explanation, oh, the secretary made a mistake, okay? I mean just fortuitous she remembers three years later -- of course she doesn't take the stand -- three years later says May 13th, he knows categorically Judge Nixon on May 13th is in Biloxi from morning until dark. All I'm saying, I'm just, you could go again and again.

MR. WEINGARTEN: Listen, if the point is --

MR. FAWER: I'm saying you have to take the accumulation of circumstances. You know there is an off the, off, just an off handed comment by Bud Holmes in July of 85 where he tells Pat McMullan, you can say it's a slip of the tongue, but he talks about the telephone call and he mentioned that the deal, the agreement with Drew had been made a year earlier.

You've got all of these facts, and you still going t put these people on, and I'm saying you're risking adducing perjury. That doesn't mean you are subborning it. I'm tellin you that there are people who you're thinking of putting on wh are going to commit perjury. That's all. I have no further obligation. I think I've gone beyond it, because I put you on notice of where I'm going. I think you ought to really in goo conscience think about it. You want to leave Holmes' testimon where it is, he says it, fine. But we're going to get the dow the road in that event, that's fine, I can handle myself on cross. You know -- I just think that's where you are.

MR. WEINGARTEN: I was under the impression that whe you told me this this morning that you had a document, a tape, or something.

MR. FAWER: No, I don't have that. I'm -- what I'm saying to you, Reid --

MR. WEINGARTEN: I understand.

MR. FAWER: I have a witness, okay? I've got a witness, very credible witness. What I'm saying to you is tha it's a mistake. I think you're moving, none of this was done before the last two or three days, and I understand the desire to win. I don't think that overwhelms everything from your perspective. I don't believe that it does. I'm saying in the rush of trying the case, you are accepting, you're forgetting that Bud Holmes has an axe to grind here, as does Dukes, his partner, at least his business associate, and they are manufacturing some witnesses for you and it's not very hard to say -- remember that fight, okay? I don't doubt for a moment that the Judge happened to be at Bonnie and Clyde's earlier that evening, so it sits nice, except it's the wrong year. It's just the wrong year.

MR. WEINGARTEN: All right, I understand.

MS. LITTLE: It still seems to me that if you have proof that we are going to elicit --

MR. WEINGARTEN: He has a witness.

MR. FAWER: No, I will argue what you're going to do to the jury when you do it, that I will do. I just, you know it's right here on the table. If you understand --

MR. WEINGARTEN: I understand.

MR. FAWER: When I deal with the jury, when I deal with a witness, if I think he's lying I tell it to him on the stand.

MS. LITTLE: Why not tell the Judge what it is, not tell us.

MR. FAWER: The Judge is the judge; I'm an advocate, okay. He may or may not accept what I'm saying. What is he going to do, tell you it's perjury?

MS. LITTLE: If it is, why --

MR. FAWER: Why? He's got -- he's not sitting here as a finder of fact. You've got to determine your own ethics. That's all I ask you to do.

MR. WEINGARTEN: I'm satisfied with what you've done.

MR. FAWER: That's all. I'm just telling you. I think that you can, I think that if push came to shove there are a bunch of people you could get up on the stand to say it's May 14, 1982. How do they remember it? None of them are going to fix on anything, oh, I just remember, May 14, 1982. They are not going to be able to date that hair pulling event. Somebody has to -- the cockamamy way Bud -- check it the next day, I know the day after May 14th was the wedding, what puts the hair pulling day the day before is beyond me. I'm satisfied -- to me circumstantial evidence is a lot stronger than direct evidence.

MR. WEINGARTEN: I understand.

MR. FAWER: What I'm telling you is putting everything aside, I'm willing to -- this event could have even happened in 82, but I'll tell you one thing, it didn't happen on May 14th of 82. And that you ought to be comfortable. Do you really believe, your own witnesses that the Judge ran up there sometime starting at nine to see Wiley and to pick up a turkey? I mean that's a little crazy. That's what, that's the position you're in. Nobody summonsed him. Carroll said he didn't, there is no reason for him to lie about it. None, on that issue. He was a fact witness, you had granted him that.

MR. WEINGARTEN: I understand.

MR. FAWER: Okay.

(Recess.)

(End of Volume 20.)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

SOUTHERN DISTRICT OF MISSISSIPPI
FILED
MAR 31 1986
CLARENCE A. PIERCE, CLERK
BY DEPUTY

UNITED STATES OF AMERICA

V. CRIMINAL ACTION NO. H85-00012(L)

WALTER L. NIXON, JR.

BEFORE: The Honorable James Meredith
Senior United States District Judge

DATE: February 8, 1986

PLACE: Hattiesburg, Mississippi

VOLUME 21

JURY INSTRUCTIONS

DAVID A. SCOTT
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COURT REPORTERS
Post Office Box 2202
Jackson, Mississippi 39225-2202

BY THE COURT:

Members of the Jury, you have now heard all of the evidence in the case as well as the final arguments of the lawyers for the parties.

It becomes my duty, therefore, to instruct you on the rules of law that you must follow and apply in arriving at your decision in the case.

In any jury trial there are, in effect, two judges. I am one of the judges; the other is the jury. It is my duty to preside over the trial and to determine what testimony and evidence is relevant under the law for your consideration. It is also my duty at the end of the trial to instruct you on the law applicable to the case.

You, as jurors, are the judges of the facts. But in determining what actually happened in this case -- that is, in reaching your decision as to the facts -- it is your sworn duty to follow the law I am now in the process of defining for you.

And you must follow all of my instructions as a whole. You have no right to disregard or give special attention to any one instruction, or to question the wisdom or correctness of any rule I may state to you. That is, you must not substitute or follow your own notion or opinion as to what the law is or ought to be. It is your duty to apply the law as I give it to you, regardless of the consequences.

By the same token, it is also your duty to base your verdict solely upon the testimony and evidence in the case, without prejudice or sympathy. That was the promise you made and the oath you took before being accepted by the parties as jurors in this case, and they have the rightto expect nothing less.

The indictment or formal charge against a defendant is not evidence of guilt. Indeed, the defendant is presumed by the law to be innocent. The law does not require a defendant to prove his innocence or produce any evidence at all. The government has the burden of proving him guilty beyond a reasonable doubt, and if it fails to do so you must acquit him.

Thus, while the government's burden of proof is a strict or heavy burden, it is not necessary that the defendant's guilt be proved beyond all possible doubt. It is only required that the government's proof exclude any "reasonable doubt" concerning the defendant's guilt. A "reasonable doubt" is a real doubt, based upon reason and common sense after careful and impartial consideration of all the evidence in the case.

Proof beyond a reasonable doubt, therefore, is proof of such a convincing character that you would be willing to rely and act upon it without hesitation in the most important of your own affairs. If you are convinced that the accused has been proved guilty beyond a reasonable doubt, say so. If you are not convinced, say so.

As stated earlier it is your duty to determine the facts, and in so doing you must consider only the evidence I have admitted in the case. The term "evidence" includes the sworn testimony of the witnesses and the exhibits admitted in the record.

Remember that any statements, objections or arguments made by the lawyers are not evidence in the case. The function of the lawyers is to point out those things that are most significant or most helpful to their side of the case, and in so doing to call your attention to certain facts or inferences that might otherwise escape your notice. In the final analysis, however, it is your own recollection and interpretation of the evidence that controls in the case. What the lawyers say is not binding upon you. Also, during the course of a trial I occasionally make comments to the lawyers, or ask questions of a witness, or admonish a witness concerning the manner in which he should respond to the questions of counsel. Do not assume from anything I may have said that I have any opinion concerning any of the issues in this case. Except for my instructions to you on the law, you should disregard anything I may have said during the trial in arriving at your own findings as to the facts.

While you should consider only the evidence in the case, you are permitted to draw such reasonable inferences from the testimony and exhibits as you feel are justified in the light of common experience. In other words, you may make deductions and reach conclusions which reason and common sense lead you to draw from the facts which have been established by the testimony and evidence in the case.

You may also consider either direct or circumstantial evidence. "Direct evidence" is the testimony of one who asserts actual knowledge of a fact, such as an eye witness. "Circumstantial evidence" is proof of a chain of facts and circumstances indicating either the guilt or innocence of the defendant. The law makes no distinction between the weight to be given to either direct or circumstantial evidence. It requires only that you weigh all of the evidence and be convinced of the defendant's guilt beyond a reasonable doubt before he can be convicted.

Now, I have said that you must consider all of the evidence. This does not mean, however, that you must accept all of the evidence as true or accurate.

You are the sole judges of the credibility or the "believability" of each witness and the weight to be given to his testimony. In weighing the testimony of a witness you should consider his relationship to the government or the defendant; his interest, if any, in the outcome of the case; his manner of testifying; his opportunity to observe or acquire knowledge concerning the facts about which he testified; his candor, fairness and intelligence; and the extent to which he has been supported or contradicted by other credible evidence. You may, in short, accept or reject the testimony of any witness in whole or in part.

Also the weight of the evidence is not necessarily determined by the number of witnesses testifying as to the existence or non-existence of any fact. You may find that the testimony of a smaller number of witnesses as to any fact is more credible than the testimony of a larger number of witnesses to the contrary.

A witness may be discredited or "impeached" by contradictory evidence, by a showing that he testified falsely concerning a material matter, or by evidence that at some other time the witness has said or done something, or has failed to say or do something, which is inconsistent with the witness' present testimony.

If you believe that any witness has been so impeached, then it is your exclusive province to give the testimony of that witness such credibility or weight, if any, as you may think it deserves.

The fact that a witness has previously been convicted of a felony, or a crime involving dishonesty or false statement, is also a factor you may consider in weighing the credibility of that witness. The fact of such a conviction does not necessarily destroy the witness' credibility, but is one of the circumstances you may take into account in determining the weight to be given to his testimony.

Guilty pleas entered by government witnesses Bud Holmes and Wiley Fairchild may not under any circumstances be considered by you as proof of the guilt of Walter L. Nixon, Jr. A criminal defendant is entitled to have the issue of his guilt determined solely on the basis of evidence admitted specifically against him, and not upon whether a government witness plead guilty to the same or similar charges.

You may take into account the guilty pleas of government witnesses only when you are considering the credibility of that witness.

Evidence in this case has disclosed what is known in criminal law as plea bargaining -- that is, discussions, arrangements and understandings between the United States of America and a witness or witnesses. Action on and disposition of criminal charges against an accused person, by agreement between the prosecution and the accused, are essential components of administration of justice. The accused person who may have entered into the plea bargain with the prosecution may assist the government in that case or other cases. Plea bargaining, properly administered and conducted, is an appropriate procedure.

A witness may also be discredited or impeached by evidence that the general reputation of the witness for truth and veracity is bad in the community where the witness now resides, or has recently resided. If you believe that any witness has been so impeached, then it is your exclusive province to give the testimony of that witness such credibility or weight, if any, as you may think it deserves.

You have heard testimony from government witnesses, such as Bud Holmes and Wiley Fairchild, who have provided evidence against the defendant, Walter L. Nixon, Jr., in exchange for immunity from further prosecution, the government's agreeing to reduce pending charges against them, and the government's agreeing to recommend a sentence less severe than could be imposed upon their guilty pleas. The testimony of these witnesses must always be examined and weighed by the jury with greater care and caution than the testimony of ordinary witnesses.

You, the jury, must decide whether the witness' testimony has been affected by any of those circumstances, or by their interest in the outcome of the case, or by prejudice against the defendant, or by the benefits that they have received from their agreements with the government; and if you determine that the testimony of such a witness was affected by any one or more of those facts, you should keep in mind that such testimony is always to be received with caution and weighed with great care.

You should never convict any defendant upon the unsupported testimony of such a witness unless you believe that testimony beyond a reasonable doubt.

One of the witnesses for the government, Paul H. "Bud" Holmes, admitted in the testimony he gave at the trial of this matter that on previous occasions he had lied while being questioned under oath.

Evidence was also introduced at this trial that Paul H. "Bud" Holmes pled guilty to a charge of contempt of the grand jury. In pleading guilty to that charge, Bud Holmes acknowledged having committed all of the acts set forth in the Bill of Information charging him with contempt, including having "inquired of others whether they had discussed a telephone call with federal authorities so as to be able to tailor his own grand jury testimony" and "testified falsely in the grand jury on February 21, 1985,. . ."

The fact that a witness has previously been convicted of a felony, or a crime involving dishonesty or false statement, is also a factor you may consider in weighing the credibility of that witness. The fact of such a conviction does not necessarily destroy the witness' credibility, but is one of the circumstances you may take into account in determining the weight to be given to his testimony.

The testimony of one who provides evidence against a defendant, and for the government, for personal advantage or vindication, must always be examined and weighed by the jury with greater care and caution than the testimony of ordinary witnesses. You, the jury, must decide whether the witness' testimony has been affected by any of those circumstances, or by his interest in the outcome of the case, or by prejudice against the defendant; and if you determine that the testimony of such a witness was affected by any one or more of those factors, you should keep in mind that such testimony is always to be received with caution and weighed with great care.

You should never convict any defendant upon the unsupported testimony of such a witness unless you believe that testimony beyond a reasonable doubt.

When a defendant has offered evidence of good general reputation for truth and veracity, or honesty and integrity, or as a law-abiding citizen, the jury should consider such evidence along with all the other evidence in the case.

Evidence of a defendant's reputation, inconsistent with those traits of character ordinarily involved in the commission of the crime charged, may give rise to a reasonable doubt, since the jury may think it improbable that a person of good character in respect to those traits would commit such a crime.

The jury will always bear in mind, however, that the law never imposes upon a defendant in a criminal case the burden or duty of calling any witnesses or producing any evidence.

You have heard recordings of several conversations, which recordings have been introduced into evidence. These conversations were legally recorded by the government; they are a proper form of evidence for this trial and you may consider them just like any other evidence.

Tape recordings of conversations identified by witnesses are being received in evidence. Transcripts are being furnished for your guidance as you listen to the tapes, in clarifying portions of the tapes which are difficult to hear and identifying speakers. The tapes, however, are evidence in the case and the transcripts are not evidence. If you perceive any variation you will be guided solely by the tapes and not by the transcripts.

If you cannot determine from the tape that particular words were spoken you must disregard the transcript as those words are concerned.

If you desire to hear the tapes during your deliberations write me a note and we will make arrangements for you to hear them.

The rules of evidence provide that if scientific, technical or other specialized knowledge might assist the jury in understanding the evidence or in determining a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify and state his opinion concerning such matters.

You should consider each expert opinion received in evidence in this case and give it such weight as you may think it deserves. If you should decide that the opinion of an expert witness is not based upon sufficient education and experience, or if you should conclude that the reasons given in support of the opinion are not sound, or that the opinion is outweighed by other evidence, then you may disregard the opinion entirely.

A stipulation is an agreement between the parties as to a particular fact or facts. You should therefore treat such facts as having been proved.

You will note that the indictment charges that the offenses were committed "on or about" certain dates. The proof need not establish with certainty the exact date of an alleged offense. It is sufficient if the evidence in the case establishes beyond a reasonable doubt that the offense was committed on a date reasonably near the date alleged.

The word "knowingly," as that term has been used from time to time in these instructions, means that the act was done voluntarily and intentionally and not because of mistake or accident.

The word "willfully," as that term may be used from time to time in these instructions, means that the act was committed voluntarily and purposely, with the specific intent to do something the law forbids; that is to say, with bad purpose either to disobey or disregard the law.

Intent ordinarily may not be proved directly, because there is no way of fathoming or scrutinizing the operations of the human mind. But you may infer the defendant's intent from the surrounding circumstances. You may consider any statement made and done or omitted by the defendant, and all other facts and circumstances in evidence which indicate his state of mind.

You may consider it reasonable to draw the inference and find that a person intends the natural and probable consequences of acts knowingly done or knowingly omitted. As I have said, it is entirely up to you to decide what facts to find from the evidence.

I will now describe to you the specific charges in the indictment in this case, and the law applicable to those charges.

Count One of the indictment in this case charges the defendant with receiving a gratuity in the form of royalty interests in three oil and gas wells from Wiley Fairchild in violation of Section 201(g) of Title 18 of the United States Code. Specifically, the indictment charges as follows: Count One, (1) At all times material to this indictment: (a) The defendant, Walter L. Nixon, Jr., was a United States District Court Judge in the Southern District of Mississippi. (b) Wiley Fairchild was a businessman living in Hattiesburg, Mississippi. (c) Paul H. "Bud" Holmes was an attorney in Hattiesburg, Mississippi and from January 1980 until January

1984, he served as the District Attorney for Mississippi's Twelfth District and had his office in Hattiesburg, Mississippi. (d) Drew Fairchild was Wiley Fairchild's son and in August 1981 he was indicted by the State of Mississippi and charged with participating in a drug smuggling conspiracy at the Hattiesburg Airport in August 1980. (e) Carroll Ingram was an attorney in Hattiesburg, Mississippi and represented Wiley Fairchild.

(2) On or about February 25, 1981, the exact date being unknown to the grand jury, in the Southern District of Mississippi, the defendant, Walter L. Nixon, Jr., unlawfully and knowingly did, directly and indirectly, accept, receive, and agree to receive things of value for himself otherwise than as provided by law for the proper discharge of his official duties; to wit, royalty interests in three wells, from Wiley Fairchild, for and because of official acts to be performed by the defendant, Walter L. Nixon, Jr., in the future in matters of interest to Wiley Fairchild.

(3) As part of said unlawful activity: (a) The defendant, Walter L. Nixon, Jr., made an initial request to Carroll Ingram that the defendant, Walter L. Nixon, Jr., be placed in an oil and gas investment with Wiley Fairchild; (b) The defendant, Walter L. Nixon, Jr., subsequent to the initial request referred to in the previous paragraph, frequently and persistently urged Carroll Ingram to see to it that the

defendant Walter L. Nixon, Jr., was placed in an oil and gas investment with Wiley Fairchild; (c) The defendant, Walter L. Nixon, Jr., received mineral royalty interests from Wiley Fairchild worth far more than any consideration the defendant, Walter L. Nixon, Jr., agreed to pay for the interests; (d) The defendant, Walter L. Nixon, Jr., knew about and acquiesced in the backdating of the mineral royalty interests so as to make it appear that the defendant, Walter L. Nixon, Jr., had received oil and gas interests from Wiley Fairchild one year earlier than he actually had; (e) The defendant, Walter L. Nixon, Jr., knew about and acquiesced in the backdating of three promissory notes totalling $9,500 and made payable from the defendant, Walter L. Nixon, Jr., to Wiley Fairchild so as to make it appear that the defendant, Walter L. Nixon, Jr., had agreed to pay Wiley Fairchild $9,500 for the mineral royalty interests more than a year earlier than the time when the notes were actually prepared; (f) The defendant, Walter L. Nixon, Jr., advised Wiley Fairchild after receiving the mineral royalty interests that he would help Fairchild any time he could; (g) The defendant, Walter L. Nixon, Jr., paid off the three promissory notes totalling $9,500 to Wiley Fairchild only after receiving royalty payments of larger amounts from Wiley Fairchild; and (h) The defendant, Walter L. Nixon, Jr., to date has received over $60,000 in mineral royalties from still-producing wells given to him by Wiley

Fairchild. In violation of Title 18, United States Code, 201(g).

The relevant statute, Section 201(g) of Title 18 of the United States Code, provides in pertinent part that: "Whoever, being a public official, otherwise than as provided by law for the proper discharge of official duty, directly or indirectly asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself for or because of any official act performed or to be performed by him, is guilty of an offense against the United States."

To sustain the charge of receiving an illegal gratuity the government must prove the following propositions: First, that the defendant was a public official; Second, that the defendant accepted or received a thing of value for himself not provided for by law; and Third, that the defendant accepted such thing of value for or because of an official act he had performed or was to perform.

If you find from your consideration of all the evidence that each of these elements has been proved beyond a reasonable doubt, then you should find the defendant guilty.

If, on the other hand, you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, then you should find the defendant not guilty.

With respect to the first element, the Court instructs you that Judge Nixon, as a United States District Court Judge, was a "public official" for purposes of this case.

With rspect to the second element, the government must prove beyond a reasonable doubt that Judge Nixon accepted or received a "thing of value" in a manner not provided for by law. I instruct you as a matter of law that receipt of these royalty interests was not a form of compensation for Judge Nixon's official duties provided for by law. To find that Judge Nixon is guilty of unlawfully receiving a gratuity, you must find that Judge Nixon did not believe that $9,500 was a fair value for the royalty interests. Indeed, "regardless of its actual worth in the commercial world," if you find that the defendant believed that he paid a fair price for the royalty interest, then you must acquit him.

With respect to the third element, the government must prove beyond a reasonable doubt that Judge Nixon received a thing of value for or because of an official act to be performed by him. An "official act" is any decision or action on any question, matter, cause, suit, proceeding or controversy which may at any time be pending or which may by law be brought before any public official in his place of trust or profit.

The government need not prove that Judge Nixon actually performed an official act in return for receiving a thing of value -- or that he was capable of performing it at the time that he received it, nor is it necessary that any specific official had been contemplated by the parties. However, the government must prove beyond a reasonable doubt that Judge Nixon purposefully received a thing of value knowing that it was given to him as unauthorized compensation for or because of some official act in his capacity as a Federal District Judge.

You have received testimony regarding a state criminal prosecution of Drew Fairchild by the office of the District Attorney for Forrest County, Mississippi, and evidence regarding things which may have been said or done by the defendant, Walter L. Nixon, Jr., respecting this state criminal prosecution.

You are hereby instructed that nothing which was said or done with respect to the state criminal prosecution of Drew Fairchild would constitute the "official act" underlying the federal offense of receiving an illegal gratuity charged in Count One of the indictment. This evidence, however, may be considered by you with respect to Judge Nixon's intent on Counts One through Four.

The payment and the receipt of a gratuity are not interdependent offenses. The donor's intent may differ from the donee's. The donor, in this case Wiley Fairchild, may have had a corrupt motive in engaging in the financial transaction with Judge Walter Nixon, and thus may be guilty of a federal offense while Judge Nixon may have had no intention of doing anything in his official capacity for or because of the financial transaction with Mr. Fairchild. If you find this to be the case, based upon all the evidence, then you must acquit Judge Nixon.

In determining whether Judge Walter Nixon had the requisite intent in violating the statute, you must focus on his state of mind at the time he entered into the agreement with Wiley Fairchild for the mineral interests in question. In doing so, you are to consider all the surrounding circumstances to determine what was his understanding entering into the transactions, including discussions between Judge Walter Nixon and other persons concerning the transactions, any considerations paid by Judge Walter Nixon for the mineral interests and similar investments made by Judge Walter Nixon at or about the same time and any other actions or words of Walter Nixon.

Under Mississippi law, a royalty interest deed may be dated earlier than the date of delivery of the written instrument to reflect an earlier oral agreement. You may not find that there has been a violation of any criminal law simply because the deed had been backdated. Transfer of a royalty interest is not legally effective until it is reduced to writing.

As to Count One of the indictment, when considering whether Judge Nixon received a thing of value not provided for by law, you are instructed that judges have the right to make lawful investments just like any other citizen.

Counts Two through Four of the Indictment in this case each charge the defendant with making a false statement before a federal grand jury, in violation of Section 1623 of Title 18, United States Code. Specifically, the Indictment charges in these three counts as follows:

Count Two: (1) Paragraph One of Count One is herein realleged and incorporated as if set forth in full herein.

(2) On or about July 18, 1984, in Forrest County in the Hattiesburg Division of the Southern District of Mississippi, the defendant, Walter L. Nixon, Jr., having duly taken an oath that he would testify truthfully in proceedings before a duly constituted grand jury of the United States, did knowingly and contrary to said oath make false material declarations as hereinafter set forth.

(3) At the time and place set forth in paragraph two, the grand jury of the United States District Court for the Southern District of Mississippi was conducting an investigation into allegations of official corruption in the Southern District of Mississippi and as part of that investigation was examining, among other things, (a) the circumstances of the transfer of mineral royalty interests from Wiley Fairchild to the defendant, Walter L. Nixon, Jr., and (b) the handling of the drug smuggling case involving Drew Fairchild by

Paul H. "Bud" Holmes, then the District Attorney for Mississippi's Twelfth Judicial District.

(4) It was material to the grand jury's investigation to determine: (a) Whether or not the defendant, Walter L. Nixon, Jr., discussed the drug case involving Drew Fairchild with Wiley Fairchild; (b) Whether or not Wiley Fairchild asked the defendant, Walter L. Nixon, Jr., to influence the handling of his son's case by interceding on his behalf with Paul H. "Bud" Holmes; (c) Whether or not the defendant, Walter L. Nixon, Jr., discussed the drug case involving Drew Fairchild with Paul H. "Bud" Holmes; and (d) Whether or not the defendant, Walter L. Nixon, Jr., sought to influence Paul H. "Bud" Holmes' handling of the Drew Fairchild drug case because the defendant, Walter L. Nixon, Jr., had received mineral royalty interests from Wiley Fairchild.

(5) At the time and place set forth in paragraph two, the defendant, Walter L. Nixon, Jr., appearing as a witness under oath before the grand jury, was asked the following questions and gave the following answers, knowing the underscored material declarations to be false: Q. Did Wiley Fairchild ever discuss the case with you? A. No, not to the best of my recollection. I think I would recall that if he had, believe me, but I don't recall that he ever did. Q. And accepting your answer as you state it, I need to ask the follow-up questions. A. Very well. Q. Did Wiley Fairchild ever

ask you to do anything vis-a-vis his son's case? A. Absolutely not.

(6) The underscored material declarations made under oath before the grand jury by the defendant, Walter L. Nixon, Jr., as set forth in paragraph five of this Count, as the defendant, Walter L. Nixon, Jr., then and there well knew and believed, were false in that (1) the defendant, Walter L. Nixon, Jr., had discussed Drew Fairchild's drug smuggling case with Wiley Fairchild; (2) the defendant, Walter L. Nixon, Jr., had recalled those discussions with Wiley Fairchild at the time he testified before the grand jury; and (3) Wiley Fairchild had asked the defendant, Walter L. Nixon, Jr., to help him with his son's drug case by influencing Paul H. "Bud" Holmes. In violation of Title 18, United States Code, Section 1623.

Count Three: (1) Paragraph one of Count One and paragraphs two through four of Count Two are herein realleged and incorporated as if set forth in full herein.

(2) At the time and place set forth in paragraph two of Count Two, the defendant, Walter L. Nixon, Jr., appearing as a witness under oath before the grand jury, was asked the following questions and gave the following answers, knowing the underscored material declaration to be false: Q. The grand jury has heard evidence that the prosecutor, the state prosecutor, who eventually handled the case was an individual

named Bud Holmes. Is he a friend of yours? A. Very good friend of mine, long time friend, yes. Q. Did he ever discuss the Drew Fairchild case with you? A. No, not to the best of my recollection. I think I would recall if he had.

(3) The underscored material declaration made under oath before the grand jury by the defendant, Walter L. Nixon, Jr., as set forth in paragraph two of this Count, as the defendant, Walter L. Nixon, Jr., then and there well knew and believed, was false in that Bud Holmes and the defendant, Walter L. Nixon, Jr., had discussed Drew Fairchild's drug smuggling case. In violation of Title 18, United States Code, Section 1623.

Count Four: (1) Paragraph one of Count One and paragraphs two through four of Count Two are herein realleged and incorporated as if set forth in full herein.

(2) At the time and place set forth in paragraph two of Count Two, the defendant, Walter L. Nixon, Jr., appearing as a witness under oath before the grand jury, was asked the following question and gave the following response, knowing the underscored material declarations to be false: " MR. WEINGARTEN: All right, Judge, do you have anything you want to add? THE WITNESS: Yes, I do. I want to say this. I -- Here (INDICATING) are your notes too, copies of your instruments rather. I came here voluntarily and am very happy to cooperate with this grand jury and give them all the information

that I have and that I could. And I have always thought everyone should do that, and that goes for the grand jury over which I'm supervising right now, the other federal grand jury that's sitting at this time. I have nothing at all to -- had nothing to hide or nothing to withhold and I brought everything that you have asked me to bring.

And I want to say this. That I've been told and led to believe and read in the newspaper and heard on the news media, so much about this is an investigation of the Drew Fairchild criminal case. Now, I have had nothing whatsoever officially or unofficially to do with the Drew Fairchild criminal case in federal court or state court. I don't need to reconstruct anything with reference to that. I've told you that from the beginning.

I have never talked to anyone about the case, any federal judge or state judge, federal prosecutor or state prosecutor, and I never handled any aspect of this case in federal court. As you said, Judge Cox handled it. I don't know where -- someone told me maybe Judge Russell handled one of the other defendants also and -- but I never handled any part of it, never had a thing to do with it at all, and never talked to anyone, state or federal, prosecutor or judge, in any way influence anybody with respect to this case. Didn't know anything about it until I read that account in the newspaper. Didn't even know Mr. Fairchild had a son when I was dealing with him in the business transaction.

So I want to say that because I understand that's what this is all about. The investigation is apparently, if the news media is correct, and if I understand it correctly, that's what this is about, the Drew Fairchild criminal case."

(3) The underscored material declarations made under oath before the grand jury by the defendant, Walter L. Nixon, Jr., as set forth in paragraph two of this Count, as the defendant, Walter L. Nixon, Jr., then and there well knew, were false in that the defendant, Walter L. Nixon, Jr., did have something to do with the Drew Fairchild drug case as he had sought to influence the case by asking state prosecutor Paul H. "Bud" Holmes to do what he could for Drew Fairchild and thereby handle the case in a way that would please Wiley Fairchild.

In violation of Title 18, United States Code, Section 1623.

Title 18, United States Code, Section 1623, provides in pertinent part as follows: "Whoever under oath in any proceeding before....any grand jury of the United States knowingly makes any false material declaration shall be guilty of an offense against the United States."

To establish the offense proscribed by that statute, the government must prove each of the following elements beyond a reasonable doubt: First, that the testimony was given while the defendant was under oath before the grand jury of this court as charged; Second, that such testimony was false in one or more of the respects charged as to some material matter in such grand jury proceedings; and Third, that such false testimony was knowingly and willfully given or used by the defendant as charged.

A declaration is "false" if it was untrue when made and was then known to be untrue by the person making it.

The "materiality" of the matter involved in the alleged false testimony is not a matter with which you are concerned, but rather is a question for the Court to decide. You are instructed that the questions asked the defendant, as described, constituted material matters in the grand jury proceedings referred to in the indictment.

In reviewing the testimony which is alleged to have been false, you should consider such testimony in the context of the sequence of questions asked and answers given, and the words used should be given their common and ordinary meaning unless the context clearly shows that a different meaning was mutually understood by the questioner and the witness.

If you should find that a particular question was ambiguous and that the defendant truthfully answered one reasonable interpretation of the question under the circumstances presented, then such answer would not be false. Similarly, if you should find that the question was clear but the answer was ambiguous, and one reasonable interpretation of such answer would be truthful, then such answer would not be false.

In considering Walter L. Nixon, Jr.'s state of mind before the grand jury, you may consider that he requested permission to testify, that he appeared voluntarily and that he was not subpoenaed to appear before the grand jury.

Count Two of the indictment charges the defendant with having made two false statements to the grand jury regarding his conversations with Wiley Fairchild, and Count Four of the indictment charges the defendant with having made two false statements to the grand jury concerning his having had anything to do with the Drew Fairchild case. When there are two false statements charged in one count of the indictment, proof of the falsity of one of the statements is sufficient to sustain a finding of guilt. In other words, if you unanimously find beyond a reasonable doubt that all of the elements of perjury as I have outlined them to you are satisfied as to one of the statements charged in a particular count, then you may find the defendant guilty on that count.

During this trial the issue was raised as to whether an individual was given a polygraph examination.

You should understand that the results of a polygraph examination, or so-called lie detector examination, are not admissible in evidence. They may not be considered in court as evidence, and the reason that they are not admissible in evidence is that they are unreliable. In other words, the polygraph machine is not a machine that has been established as being a reliable indication of when a person is telling the truth or not telling the truth. Consequently, the results of any such examination are never admitted in evidence in any United States Court.

As I have stated, your job as jurors is to determine the guilt or innocence of the defendant based on the factual evidence heard at this trial. You are not to concern yourselves with any issues relating to the manner in which the government's investigation was conducted, except insofar as it may bear on the credibility of the government witnesses. Issues concerning the propriety of government conduct during an investigation are matters of law for the Court to decide, and have no bearing on your consideration of the evidence and determination whether the defendant committed the acts charged in the indictment.

I shall now instruct you on the theory of the defense, that is, the view of the evidence presented in this case taken by defendant, Walter L. Nixon, Jr.

Judge Nixon contends that when he first spoke with Carroll Ingram in 1979 about the possibility of making an oil and gas investment with Wiley Fairchild, his reasons for doing so were completely proper, and that these reasons remained proper throughout all of his dealings with Wiley Fairchild, and remain proper at this very moment. Judge Nixon further asserts that at the time he made the investment with Wiley Fairchild, the price and acreage of the mineral interests was fixed by Wiley Fairchild, and he, Judge Nixon, had no reason to believe that this was not the fair market value of the interests conveyed to him.

It is Judge Nixon's position that the deeds and notes executed in early 1981 were dated February 25, 1980, simply to approximate the date of the verbal agreement entered into between him and Wiley Fairchild in early 1980.

At the time of the execution of the instruments, Judge Nixon states he had not heard of Drew Fairchild, did not know Wiley Fairchild had a son by that name, did not know of the drug bust at the Hattiesburg Airport in August 1980, and did not know that Drew Fairchild had entered into a plea agreement with the federal authorities in November 1980.

Judge Nixon contends that at the time he made the investment with Wiley Fairchild and at all times thereafter, he never contemplated performing, never suggested that he would perform,and never agreed to perform any official act, that is, any act relating to his position as a federal judge, for or because of this investment.

With respect to the perjury charges contained in Counts Two, Three and Four, Judge Nixon contends that at the time he appeared before the grand jury and gave the answers which form the basis of the perjury charges that: (1) He believed that the grand jury was seeking to determine if there was a connection between his investment with Wiley Fairchild and his, Judge Nixon's, having improperly influenced the handling of the Drew Fairchild drug case;

(2) He was aware that he had had a conversation with Wiley Fairchild in which Fairchild complained that he was being blackmailed by Bud Holmes, and possibly Carroll Ingram, due to the publicity coming out of his son's case; and

(3) He remembered mentioning Fairchild's blackmail allegation to Bud Holmes, but they did not discuss the Drew Fairchild case.

Judge Nixon contends that, when asked in the grand jury whether he had discussed the case with either Wiley Fairchild or Bud Holmes, or if he had sought to influence the case, he answered no, an answer which he asserts was true, particularly in the context of a grand jury inquiry focused upon his oil and gas venture with Wiley Fairchild and any connection it might have had to his influencing the handling of the Drew Fairchild case.

Judge Nixon contends that he never, at any time, attempted to influence the handling or disposition of the Drew Fairchild drug case, at any level, either state or federal.

Finally, Judge Nixon contends that at no time did he intend to lie to the grand jury about any subject asked of him.

A separate crime or offense is charged in each count of the indictment. Each charge and the evidence pertaining to it should be considered separately. The fact that you may find the defendant guilty or not guilty as to one of the offenses charged should not control your verdict as to any other offense charged.

I caution you, Members of the Jury, that you are here to determine the guilt or innocence of the accused from the evidence in this case. The defendant is not on trial for any act or conduct or offense not alleged in the indictment. Neither are you called upon to return a verdict as to the guilt or innocence of any other person or persons not on trial as a defendant in this case.

Also, the punishment provided by law for the offense charged in the indictment is a matter exclusively within the province of the court or judge, and should never be considered by the jury in any way, in arriving at an impartial verdict as to the guilt or innocence of the accused.

Any verdict must represent the considered judgment of each juror. In order to return a verdict, it is necessary that each juror agree thereto. In other words, your verdict must be unanimous.

It is your duty as jurors, to consult with one another, and to deliberate in an effort to reach agreement if you can do so without violence to individual judgment. Each of you must decide the case for yourself, but only after an impartial consideration of the evidence in the case with your fellow jurors. In the course of your deliberations, do not hesitate to reexamine your own views and change your opinion if convinced it is erroneous. But do not surrender your honest conviction as to the weight or effect of the evidence solely because of the opinion of your fellow jurors, or for the mere purpose of returning a verdict.

Remember at all times, you are not partisans. You are judges -- judges of the facts. Your sole interest is to seek the truth from the evidence in the case.

Upon retiring to the jury room you should first select one of your number to act as your foreman or forewoman who will preside over your deliberations and will be your spokesman here in court.

A form of verdict has been prepared for your convenience. When you have unanimously agreed upon a verdict, you will insert the words "guilty" or "not guilty" as to each Count as you may determine and one of your number will sign it as foreman and return it into court.

You have nothing to do with the punishment; that is for the Court. Your sole duty is performed when you have found upon the question of guilt or innocence of the defendant.

If, during your deliberations, you should desire to communicate with the Court, please reduce your message or question to writing signed by the foreman or forewoman, and pass the note to the Marshal who will bring it to my attention. I will then respond as promptly as possible, either in writing or by having you returned to the courtroom so that I can address you orally.

I caution you, however, with regard to any message or question you might send, that you should never state any numerical division at the time.

The indictment will be sent to the jury room, along with the exhibits, for your guidance.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

UNITED STATES OF AMERICA

V. CRIMINAL ACTION NO. H85-00012(L)

WALTER L. NIXON, JR.

BEFORE: The Honorable James Meredith
Senior United States District Judge

DATE: January 22, 23, 24, 25, 1986

PLACE: Hattiesburg, Mississippi

VOLUME 22

VOIR DIRE

(Selected portions)

DAVID A. SCOTT
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COURT REPORTERS
Post Office Box 2202
Jackson, Mississippi 39225-2202

(Janua y 22, 1986:)

THE COURT: All right, Mrs. Crawford. I believe it's your turn to start off.

VOIR DIRE EXAMINATION OF PEGGY CRAWFORD:

BY MR. WEINGARTEN:

Q. Good morning, ma'am.

A. Good morning.

Q. My name is Reid Weingarten. I represent the Justice Department. I need to ask you about what you may know about this case.

A. Okay.

Q. Now, generally speaking, have you heard of this case prior to coming to court yesterday?

A. No.

Q. Had you ever heard the name Walter Nixon?

A. Huh-uh (no).

Q. Did you have any idea there was such a case before you came to court?

A. No, I didn't.

Q. Do you generally read the paper?

A. I don't read the newspaper.

Q. Listen to the news at six o'clock?

A. I have a satellite. We don't have any regular news on the satellite.

Q. Do you take any interest at all in the legal and political affairs of the community?

A. No.

Q. So it's fair to say that when you came to court yesterday and heard what the case was about, when the judge gave you an instruction, that rang no bell?

A. No bell at all, honest.

Q. Did you hear the name, did you hear names, did you recognize any of the names that the judge read out, Paul H. Bud Holmes, Wiley Fairchild, no names whatever?

A. No, not while I was here.

Q. I read in your questionnaire that you did have a case in court, something about it. Can you take two seconds to explain that?

A. My old boss was suing my new boss for a sign that was outside that had the old boss's name on it. The new boss didn't want it, because it had his name on it. That's about what it was.

Q. You didn't have any personal involvement with it?

A. No, I was just a witness, that was all.

Q. What courthouse did that take place in?

A. Newton.

Q. Local courthouse?

A. Right.

Q. You have no familiarity with the federal courthouse?

A. Huh-uh (no).

Q. This is your first contact?

A. First.

MR. WEINGARTEN: Thank you, ma'am.

BY MR. FAWER:

Q. Ms. Crawford, I'm Mike Fawer. I represent Judge Nixon. You told me you had not heard about him before you came to court. Tell me, Newton is about how far from here?

A. About a hundred miles.

Q. Over toward Meridian?

A. No, Lawrence.

Q. Over near Lawrence, all right. What, I wasn't clear, did you say you do watch some TV, it's --

A. Satellite. You don't get regular news on the satellite dish.

Q. How about newspapers?

A. I don't take a newspaper.

Q. Okay. You've been here since yesterday morning. Let me just ask you, you learned at some point yesterday this was a case involving Judge Nixon, right?

A. Right.

Q. First time you had heard his name?

A. Right.

Q. Since yesterday morning among the other jurors or last evening, have you had occasion to hear others talking about it, or did you talk about it?

A. Just his name, that's about it.

Q. What about his name?

A. Told me who he was.

Q. Who is they?

A. A judge.

Q. Who is they?

A. The people outside talking.

Q. The other jurors? Let me explain something to you. Nobody in this room is at all upset about anything you heard, anything you said, anything anyone else said. What we're trying to do here is to try to get a fair and impartial jury as the judge told you yesterday.

A. Uh-huh (yes).

Q. There are times though we all come to a case where you may or may not have knowledge about some aspect of the case. If you do, then it may have some bearing on how fair and impartial a juror you could be. We're trying to find out if you have any of those problems, and there is no real, no right answers, just the honest answers. Just tell us what we want to know. But anyway, what did you hear? Just some jurors you don't really know by name talking about -- were you asked?

A. We talked about it, you know. Who he was, I found out he was a judge, that's about all. I don't know him.

Q. They just mentioned, you didn't really have a discussion?

A. Oh, no.

Q. Is that right?

A. Yeah.

Q. The name Nixon, he's a judge, but there is no discussion about the case?

A. No, no. That was it.

Q. Okay. I take it, did you go home?

A. Right, I went home.

Q. Any discussion with anyone about it last night?

A. No, my husband wasn't there, nobody to talk to but the kids.

Q. Just bear with me a moment.

A. Okay.

(Pause.)

Q. I see that you have -- just want to ask you something about your questionnaire. I notice there is someone else who lives with you, who is that?.

A. My nephew.

Q. Your nephew?

A. Yes.

Q. Okay. The judge -- have you ever had to have any exposure to, aside from that one trial that you told us about, I shouldn't say trial, lawsuit about the sign, any exposure whatsoever to the court system?

A. Huh-uh (no). The only thing I had, I don't know if you call it court system, somebody broke in our place, stole some things, and I had to go and take out papers, and that's the only thing. It never did come to trial; his wife killed him, that was --

Q. That was it?

A. That was it. That was the only one.

Q. You didn't have any personal involvement in that?

A. No.

Q. You didn't, you weren't involved in the court system in that sense?

A. No.

Q. Did you hear what his honor said about the kind of case this is? I don't mean about the facts, but what the charges are here?

A. Huh-uh (no). I don't understand none of it, honest.

Q. Okay. Which means you really are starting --

A. With blind, I don't know what -- really, I don't know anything.

Q. Is there anything about this procedure that troubles you in any way? You're starting apparently with a clean slate, no knowledge about Judge Nixon or any --

A. I don't know him.

Q. This is Judge Nixon.

A. I don't know. I don't know him or anything.

Q. This is him. This is the man.

A. Oh, okay.

Q. I represent him, I'm his lawyer. Okay. You know what a judge does? In a general sense a judge sits in judgment?

A. Right.

Q. Do you have any feeling that if a judge is charged with a crime, Judge Nixon is here, that you view him or are you going to hold him to any different standard than if you were judging a neighbor of yours in a case?

A. If I knew him?

Q. No --

A. Repeat that.

Q. If you're chosen as a juror, you are ultimately going to be called upon to determine his guilt or innocence of these charges about what you really don't know nothing, right?

A. Right.

Q. All right. Know anything. In any event, what I'd like to know is, because he's a judge, that's what his job is, and he normally judges other people. Do you view judges in such a way that you're going to hold him to a different standard perhaps than you would hold anyone else to?

A. I don't think so. I don't think his, what his, his office like a judge would make any difference. He's a person, that's it.

Q. You could treat him like anybody else?

A. Right.

Q. Okay. The issue in this case, you're going to be -- do you understand, never been involved in this before, do you feel in any way -- let me put it to you another way so it's not misleading or anything. Under our system, as his honor told you, the burden of proof is on the government. The burden of proof, the government has the burden of proving whether he did or did not do what the charges are, you understand that?

A. Okay.

Q. Do you have any feeling that the judge or I on his behalf have to prove him innocent, or do you realize, you can live with the idea that you will make the government in your mind prove the case beyond a reasonable doubt?

A. They are going to have to prove it. I've got to hear it all before I make up my mind.

Q. So what you're telling me is, you know that they go first, and then we have a chance after?

A. Uh-huh (yes).

Q. You can wait until you hear all the evidence before you make up your mind?

A. Right.

Q. Just what his honor wants you to do. You can do that?

A. Yes, uh-huh (yes).

MR. FAWER: Okay. Just bear with me, I think I'm almost finished, Your Honor.

(Pause.)

BY MR. FAWER:

Q. Let me just ask you one other question. You heard, have you ever heard the phrase, the grand jury, you know what a grand jury is?

A. High up I think. Higher up than a regular --

Q. Well, we just want you to know, there is a charge in this case which is filed by a grand jury. They don't determine whether someone is guilty or innocent, they just decide it ought to be a charge, you understand that?

A. Uh-huh (yes).

Q. The fact there is simply a charge here, that doesn't mean the man is guilty or innocent or anything, just like sending hi[illegible] a letter saying this is what, this is what the charge is, you understand that?

A. Uh-huh (yes).

Q. I take it you can just deal with the fact that the man has been charged, and you're going to use your common sense, your God-given common sense to make a decision after you hear all of the evidence and you listen to what the judge tells you the law is?

A. I have to hear it all before I make up my mind.

Q. Have you ever been involved in any kind of discussion group where, you know, where you sit around and talk about things with another five, ten other people?

A. No, sir.

Q. That's not been something you have ever done?

A. No.

Q. That's the kind of thing maybe you would be involved in here. There will be twelve jurors ultimately called upon to do that. Okay. One other question -- bear with me a moment. You have two young children, correct?

A. Right.

Q. I think those are the two you made arrangements for them to be taken care of if you're away?

A. Yes.

Q. You're comfortable they're going to be well taken care of?

A. Yes.

Q. Let me just ask you something. You know you have a certain frame of mind. What I gather you're comfortable being able to judge this case fairly, correct?

A. Uh-huh (yes).

Q. I take it that if you were on trial and someone like yourself was sitting there, you would be comfortable having that person as a juror in this case?

A. I would.

Q. You would, wouldn't you?

A. All right.

MR. PAWER: I have no other questions. Thank you very much.

THE COURT: Gentlemen, may we excuse her until tomorrow?

MR. FAWER: Surely.

THE COURT: All right. You will be on the panel from which we will select those remaining. So there is no point in you sitting here all day. Report back in the morning at nine o'clock.

* * * * *

(January 22, 1986:)

THE COURT: Mr. Fawer, you want to ask her some questions?

MR. FAWER: If I may, Your Honor, thank you.

VOIR DIRE EXAMINATION OF BERNADETTE CLIFTON:

BY MR. FAWER:

Q. Why don't you just sit back and relax a little bit, okay? I know you get the feeling like the spotlight is on you, but don't worry about it, okay?

A. Okay.

Q. Let me explain. We're trying to pick a jury obviously. I know it's sort of time consuming, because people sit around. What we need to do is to have people come in so we can get a fair, impartial juror is what's important. People, you included, have had life experiences and you have been exposed to news that has to do with this case. It's important that we can find out whether you are the kind of juror who can fairly sit in this case. There may be some other case you're a perfectly fine juror; this may be a case you're fine to sit on, but it also may be that you're not. We're trying to find out really what there is and what's going on in your experience to the extent that you have read or heard about the case. We want to talk to you a little bit. Is that okay with you?

A. That's fine.

Q. There is no right or wrong answer, we don't have a checklist. I have some notes we cover, so does Mr. Weingarten and the judge. What we're basically trying to do is to find out some information, and the only rule of thumb is that you be very candid and open and honest with us about your answers. There is no right answer to any of the questions, okay. You're from Pascagoula, I understand.

A. Yes, sir.

Q. You've lived there all your life?

A. Yes, sir.

Q. And you are working right now? You work at a --

A. School cafeteria.

Q. How long have you been doing that?

A. Eleven years.

Q. Okay. What, you're a baker?

A. I'm a baker now. I was manager for eight years.

Q. In that same school system?

A. Yes.

Q. You also had acted, I guess you've been a beautician?

A. Beautician, yeah.

Q. Okay. Fine. In fact you did, took some courses in cafeteria management, things of that sort?

A. Yes.

Q. You have some children and you are, you're divorced right now, okay.

A. Yes.

Q. How long have you been divorced?

A. Fifteen years.

Q. I'm just looking, I have a questionnaire. We each have copies obviously, I'm looking at yours to see if there is anything on it I wanted to ask you about before I ask you about some other questions. Apparently, there was a question about whether you have a lawyer?

A. Family friend, now.

Q. Who is it?

A. John Ford, Pascagoula.

Q. Down in Pascagoula? Whenever you have some family problems -

A. I just call John.

Q. Fine.

A. That type lawyer.

Q. Okay. You watch TV apparently some, and I don't know whether you read the newspapers at all?

A. I don't get the paper. I don't even get the Sunday paper.

Q. Okay. So what, basically whatever news you get you get from TV?

A. Yeah.

Q. And aside from that maybe, maybe some subjects friends of yours may talk about, that's about the source of your information?

A. That's it.

Q. Okay. This case involves, I represent Judge Nixon. Have you heard his name before this?

A. I've heard the name, I'm sorry to say but I didn't know much about it.

Q. There is nothing to be sorry about. When you say you didn't hear much about it, what do you know?

A. I've heard the name because there is a bridge by that name in Ocean Springs. I mean other than that, you know, it was there and it was gone, it wasn't something I paid a lot of attention to.

Q. We would expect, we do expect most people who have lived in southern Mississippi to have heard something, so there is nothing wrong with it. You would have to; I think you realize there has been a lot of publicity?

A. Yes.

Q. That's why we're asking the questions, okay? What, okay, before you ever read anything, excuse me. Before you ever heard any TV or watched any TV, had you heard of Judge Nixon?

A. No.

Q. Did you associate the bridge in any way?

A. Not until somebody mentioned it to me.

Q. What do you associate about -- what did that person tell you about that?

A. They just said, oh, you know, there is a judge by that same name, and I said there is? They said yes. So then she said, I believe that must have been his father or some kinfolks, I said it probably was.

Q. It was.

A. Like, I'm not, I guess -- I'm just a home body, I'm not a very newsworthy person.

Q. I understand. You mentioned some woman I take it, friend of yours mentioned it?

A. Uh-huh (yes).

Q. Was there some discussion about this when this case came up that this was mentioned?

A. I'm trying to remember now when it was. It was back during the summer when I had just came back from my vacation from my daughter, and she mentioned it.

Q. This last summer?

A. It was in September, first part of September.

Q. See, you've zeroed in around the time the charges came out in the news.

A. That's what it was I think. I had just came back from my vacation.

Q. You most likely were out of town?

A. I was out of town all summer.

Q. Okay. You come back in early December, September, your daughter mentioned it to you?

A. Yes, sir.

Q. Anything more than that?

A. No, sir.

Q. Did you say your daughter mentioned it to you?

A. No, it was a friend, one of the neighbors or something brought it up.

Q. Was it a passing mention of it?

A. Just a casual thing.

Q. All right. No discussion?

A. No.

Q. Know the difference between the two?

A. No, because a casual mentioned thing, that's all there was to it.

Q. Aside from that, I guess at some point -- you didn't focus on it any more in the news after that?

A. No, sir.

Q. How about, let's say after you -- did there come a time when you got your summons to come to court, someone told you, you figured out it was going to be this case?

A. No, sir, I honestly did not know until I got here, and I was very surprised, because --

Q. Okay.

A. I really didn't know what it was all about. I didn't know until I got a summons to come and that was it.

Q. You're not nervous about the fact you were summonsed to court?

A. No.

Q. Good, I'm glad. You came here, sat around, spent a lot of time sitting yesterday?

A. Yes.

Q. We all appreciate the patience that everybody had. Since yesterday morning, you've come, you now realize it's the Nixon case; were people talking about it a little bit? Talking about the other jurors who you might have met.

A. The only thing that everybody said, I wonder how long we're going to be here? Oh, when do they choose. That's the only conversation, you know.

Q. Do you know --

A. Everybody saying, you know, oh, I was dumb, my goodness, I didn't know what was going on. That type, sort of thing, that's the only sort of thing I heard.

Q. Do you have any other friends who came, that are on this jury?

A. No.

Q. So you're here, you don't know --

A. I'm here alone. I don't know anybody. There was one lady

I met yesterday, found out she was from the same town and didn't know it.

Q. You didn't even know that?

A. No.

Q. Okay, fine. Since that time, since yesterday -- you didn't go back home?

A. No, I stayed over.

Q. Have you had occasion to discuss the matter or, mention the matter to anyone in calling back to Pascagoula?

A. No, sir. I haven't even called or written or anything.

Q. Fine. So you don't --

A. When I left, I said you'll hear from me when I know something, that was it. See, I really don't have any family there at all.

Q. I see.

A. My girls are both married and gone.

Q. Where do they live?

A. One lives in Florida and one in California.

Q. Both married and living over there?

A. Uh-huh (yes).

Q. Fine. Do you have, there are two charges, as the judge has told you, in this case. One is a charge involving bribery -- I say bribery, I shouldn't say that. The word is an illegal gratuity. The judge mentioned that in very briefly describing what the case was about yesterday. Do you remember the judge talking about it?

A. Yes, sir.

Q. Do you recall that?

A. Yes, I remember some of it.

Q. Not a lot. You understand there is no need, if you're selected as a juror, you will hear all of the facts?

A. Uh-huh (yes).

Q. Okay. Do you feel, is there anything about the kind of charge in this case, receiving illegal gratuity, and perjury, you understand basically what perjury is?

A. That's when you don't tell the truth or something like that.

Q. Exactly. That's exactly what it is. Those are the two kinds of charges in this case. Is there anything about those charges that sticks -- do you have any different special attitude toward that kind of a charge than you would if you were called to sit in a shoplifting case or burglary case?

A. No, sir.

Q. What we need here and want everybody does, is to have people who can be fair and impartial and don't have anything going on inside of them which almost unconsciously could affect their ability to be fair and impartial in this case, okay?

A. Uh-huh (yes).

Q. Does, in this case, one thing we all know, the man on trial is a judge. A judge right today -- that's Judge Nixon sitting right there. You may or may not, did you even recognize him before you came in today?

A. No, sir.

Q. Okay. But he is a judge. Same way Judge Meredith is, difference is Judge Nixon is on trial as a defendant. Because he's a judge, think about this, do you feel like he is to be held to any different or higher standard than anyone else who is brought to trial?

A. No, sir.

Q. Do you feel that the kind of charges in this case, that the standard, or you're going to hold him to any stricter burden -- I shouldn't say that, you're going to hold him to any requirement that you wouldn't require of anybody else who might be on trial?

A. No, sir.

Q. Okay. Do you have any particular understanding, of do you think you have any awareness of how the criminal -- how a trial works and who has to do what during the trial?

A. No, sir, I really don't.

Q. That's fine. Understand that if you're selected, there is one thing we can all guarantee you. You will be one of the first group of people, you and the others, to hear the whole story, you understand that?

A. Yes, sir.

Q. You would have to, because his honor has told you this and will tell you again, to sit back and listen to all of the facts, regardless of who goes first and who goes second, you're going to keep an open mind until you hear all of the information, and then make a determination, you understand that?

A. Yes, sir.

Q. Okay. And his honor has touched on this, the government has the burden, they are supposed to come in and prove to you beyond a reasonable doubt that the man is guilty, do you understand that?

A. Yes, sir.

Q. And they don't meet that burden, you're supposed to acquit, that means find him not guilty, okay?

A. Yes, sir.

Q. What I want to just know, is there anything which says to you in your mind, the way you operate, the way you understand it, we can only have this one chance to correct it if you have any misimpressions, that the defendant has any obligation to do anything? Do you feel he has an obligation to prove his innocence, or do you understand that that is the burden of proof in this case is on the government in the case?

A. Yes, sir.

Q. That doesn't trouble you, does it?

A. No, sir.

Q. You think that's the way the system should work and does work?

A. That's right. Doesn't bother me.

Q. Have you ever been involved in situations where you have been involved in like committees or group discussions of any sort?

A. Yes, sir, I belonged at one time to Parents Anonymous, where we dealt with children that was having problems, people having problems with their children, things like that.

Q. You get together and discuss?

A. Get together and discuss issues and talk them out, that type of thing.

Q. What are they, groups of ten or twelve people?

A. About eight or ten, something like that.

Q. Are you comfortable in that type of setting?

A. Yes.

Q. Sitting down, exchanging views, expressing your own view, listening?

A. Yes.

Q. Okay. Sort of an enjoyable kind of experience in the --

A. I like people.

Q. Okay. Bear with me a moment, Judge. (Pause.) Let me just broach a subject with you. I take it you had no personal experience with judges as such, I mean outside --

A. No, sir, not besides my divorce. That was, we sat at a table and discussed it.

Q. And that was it?

A. That was it.

Q. Judgment was entered, and that was it?

A. That's right.

Q. I need to find out from your own feelings, you like everyone else know judges are human beings like everybody else?

A. That's right.

Q. Is there anything in your experience, anything that tells you -- let me withdraw that. You know judges get paid a salary, you expect that, right?

A. Yes, sir.

Q. Is there anything that you feel that a judge, is there something that says to you, whether you're right or wrong, that judges are or are not allowed to make independent investments if they want to in real estate or invest in the stock market or anything like that?

A. Not as far as I'm concerned, no.

Q. They can do that?

A. That's fine. I mean, you know --

Q. Their business?

A. I feel like it's their own personal affair, just like a doctor or lawyer or even a cook.

Q. Even a cook. Or a beautician?

A. Right.

Q. Is there anything about this case, you've now heard a little bit, what went on inside, his honor tried to tell you a little bit about the case, I have tried to give you some feeling of the things that are going to happen, you understand why I've asked you about what you knew about the case, you understand if you were on trial, you would want to know the same information?

A. That's right.

Q. Are you comfortable with the idea of being a juror in this case?

A. Yes, sir.

Q. Could you say to him, I can give you a fair trial?

A. Yes, sir.

Q. Say to the government the same thing?

A. That's right.

Q. Am I right about that?

A. I feel perfectly comfortable about it. It doesn't bother me.

MR. FAWER: All right. I have no other questions. Thank you very much for answering my questions.

BY MR. WEINGARTEN:

Q. My name is Reid Weingarten. I'm from the Justice Department. When you came into Hattiesburg and found out that you were a possible juror in this case, did you have any opinion about the case at all?

A. No, sir, because I don't know anything about it.

Q. All right. Back on the coast, do you remember any conversations you had with anybody, friends, people you worked with, customers, about the investigation that led to these charges?

A. No, sir. I mean it was -- see, I work in the school cafeteria. There is no time, you know, we just really don't have time for much talk. And summer, see, I was gone the whole summer out in California, therefore, I mean, it really struck me as a surprise when I got here.

Q. You didn't know there was an investigation going on?

A. No, I didn't know anything. It really kind of frightened me at first, you know. Then I thought, well --

Q. Let me ask you this way. When you heard that Judge Nixon was on trial, did you, was that the first time you knew charges had been brought against him?

A. I heard, like I said, when I came back during the summer, I came back the last of August, first week of September. That's when it was in the news. Then it, I mean, I didn't pay that much more attention until I got here.

Q. When you came back from vacation, did you ever hear anyone in the community express an opinion about the case?

A. No, sir.

Q. Nobody at all?

A. No. Because I live in a community of just old people

Q. Okay. You mentioned the bridge. Would the fact there is an association with a prominent man for whom a bridge was named affect you at all?

A. No. No, it was just the idea, we was associating names, you know. There is a bridge by that name, I said, well I guess, yes, there is, I said, I did -- I don't even know where the bridge is.

Q. Would the fact the defendant was associated somehow with the person for whom they named a bridge impress you?

A. No, sir.

Q. So Judge Nixon to you is a defendant like any other defendant?

A. That's right.

Q. You could be fair to Judge Nixon, is that --

A. Yes, sir.

Q. And fair to the government?

A. Yes, sir.

Q. You would go into this trial with-a completely open mind?

A. Yes, sir.

Q. You would listen to the instructions from the judge, Judge Meredith, decide the case fairly on the evidence?

A. That's right.

Q. Confident you can do it?

A. I'm confident I could do it. Like I said, I can't form an opinion --

Q. Until you hear the evidence?

A. The evidence.

Q. Okay. Fine.

A. That's just never --

Q. That's fine. Thank you.

THE COURT: Thank you, ma'am. You will be on the panel of those from whom the final jury is selected. We won't need you until nine o'clock in the morning, so you're excused until that time.

A. Thank you.

* * * * *

(January 22, 1986:)

THE COURT: Go ahead.

VOIR DIRE EXAMINATION LYNDA D. GALLAGHER:

BY MR. WEINGARTEN:

Q. Good afternoon, ma'am. My name is Reid Weingarten. I'm from the Justice Department. I'm going to ask you a few questions to make a determination whether or not you're qualified to serve as a juror, okay. Your only responsibility is to answer the questions completely and truthfully. Do you understand?

A. Yes, sir.

Q. First I'd like to ask you some questions about the information you provided on the questionnaire, okay? Who is in your family, your immediate family? Who makes up your family?

A. That's in my household you mean?

Q. Yes.

A. My husband, Richard. Then I have four children at home, three natural and one adopted. Do you want their names?

Q. No, that's okay. Let's start with your husband, I note you indicated retired federal government?

A. Okay, he was in the Air Force, and he was injured in Korea very seriously, so he was medically discharged from Korea, rehired by the Air Force as a civil servant, and he retired from civil service in 1984 with a total of 35, 38 years, something like that.

Q. What's he doing now?

A. Right now he's running my bar for me. Otherwise he just takes it easy. He does my bookwork for me at the bar.

Q. What bar is your bar?

A. Linda's Leisure Time Lounge in Gulfport.

Q. I'm not familiar, what kind of bar is it?

A. It's a beer bar. It's a neighborhood type.

Q. I note your oldest daughter is a reporter?

A. Yes.

Q. Where does she --

A. I'm not sure of the name of the paper. I think it's River Parishes Guide or something like that. It's in Bowty, Louisiana.

Q. What kind of reporter is she?

A. She is a feature editor.

Q. How old is she?

A. She is going to be 22 this year. She has been involved in journalism since she was 14 years old. She worked on the Daily Herald, Junior Gazette, some type of newspaper, got out of high school when she was 16 and went straight into college. She came here to college.

Q. Come here to Hattiesburg?

A. Yes, sir, she went to junior college one year, came on up here to complete her education.

Q. She worked on that newspaper ever since?

A. No, she just went to work for the newspaper in August I think.

Q. What kind of stories does she write?

A. I really don't know. She says she is a feature editor. She sends me paper, she got me a subscription to her paper, she sends them to me; I don't have the time to read the paper. I just stack them up.

Q. I know unfortunately your youngest brother has been in Parchman?

A. Yes, sir. I would like to explain that.

Q. Please.

A. I was raised in an orphanage, and so was he. I don't really know this little brother. When I was twelve years old, I ran away from the orphanage and married one of the oldest boys -- well, he married me to keep me out of the orphanage. That was the only way I could hide from them. My little brother stayed there. I do know when he was 13 they sent him to Columbia Training School. I do know through the family grapevine, which is not a very good family grapevine -- I have no parents. He got in touch with my aunts and uncles once every three or four years maybe. I do know that he has had some problems at stepping in and out. I read in the newspaper in 1971 that he had -- he was one of the few that had escaped. So I do know he escaped one time.

Q. You have not had contact?

A. No, sir, I don't have anything to do -- feel like he made his bed, let him lay in it, I'm sorry.

Q. Do you know the charge?

A. No.

Q. Do you have any feeling whether he's been mistreated?

A. I doubt it.

Q. You indicated your husband used to be a deputy Harrison County --

A. He was what they -- so-called a rent a cop. Worked at nightclubs, things like that.

Q. Still do that?

A. No, sir, he hadn't done that for several years. He did that part time when he was with Civil Service.

Q. Does he have a lot of friends in law enforcement as a result?

A. No, sir. All the guys he was with have moved on, you know, most of them have, to other posts.

Q. I believe when Judge Meredith read off the list of names, you raised your hand. Do you remember which one that was?

A. Yes, sir, Ernest Melvin.

Q. How do you know him?

A. Up until I bought my bar I was very, very active in Veterans of Foreign Wars and community service work. At one time I was state POW-MIA chairman. I have had to go before Ernest to ask the president of the supervisors of the board to get permission to hold -- to get proclamations, stuff like that.

Q. Would you consider him a friend?

A. Well, he's not an enemy, you know.

Q. If he played a role in this trial, testified as a witness, would you either credit or discredit his testimony in any way at all?

A. No, sir. He and I have agreed and disagreed on several different things.

Q. Are you comfortable with the notion you would view his testimony completely neutrally?

A. I would view his testimony just like I will everyone elses.

Q. When you came to court yesterday, had you ever heard of Judge Nixon?

A. No, sir. Well, now, yes, sir, I had heard of Judge Nixon when I came to court yesterday, but it was through a comment my husband made when I got the summons.

Q. -Tell us?

A. I was in Louisiana, whole of December because my baby had a daughter, we like to lost her.

Q. Everybody okay?

A. Yes, sir, it's fine now. The day I got home I got the summons and I opened it, I says looks like I'll be leaving again next week. What do you mean? I said well, I've got a summons to go to district, federal district court. He says, oh, when? I said January. That's when Judge Nixon is coming up. I said who is Judge Nixon. He said well, he's been arrested for bribery. I said I don't want to hear no more, and from that point until I got here in the courtroom, yesterday when he read off the charges, I did not know anything else about it, because I refused to listen to news or read the newspapers, because I did not want any possibility of my mind being swayed by something that I had heard. I still don't know anything except what he read off.

Q. That's a wonderful attitude to take.

A. I feel, I feel that's the way. I don't feel you can judge anything, even though I might want to be fair, something that I had heard might sway my judgment in my subconscious mind.

Q. Prior to the conversation you had with your husband, had you heard anything about this case in your daily life?

A. Never heard of him.

Q. From the TV?

A. No, sir.

Q. From the newspaper?

A. No, sir.

Q. What about serving beers?

A. No, sir.

Q. Nobody mentioned it?

A. No, sir.

Q. Until your husband mentioned Judge Nixon, you truly had heard not one word?

A. Truly had not. As far as I knew he had been indicted while I was in Louisiana, I had heard nothing. I do not read the newspapers and I do not watch TV, I do not have time.

Q. Were you able to glean from your husband's words any opinion or point of view he maybe --

A. No, he just made a remark.

Q. You took that remark to be just a statement of fact?

A. It was a fact that there was a possibility I could be, possibly be on this jury.

Q. Is there anything in your life experience which causes you to have some hesitation that you could be a fair juror?

A. No, sir, I think it's just the opposite.

Q. You could be a fair juror?

A. Yes, sir, I've always, I was raised like I say in an orphanage. I was always raised to know your facts, judge your facts, and be your own person. That's the way I am with my life. Husband tries to tell me how to vote, I don't even let him do that.

Q. Are you comfortable you could be fair to Judge Nixon?

A. Yes, sir, I feel I could be very fair to Judge Nixon.

Q. Are you equally comfortable you could be fair to the United States?

A. Yes, sir, I certainly am.

Q. You recognize in a criminal trial that there is a burden of proof upon the government to prove the defendant guilty beyond a reasonable doubt?

A. Yes, sir.

Q. Do you accept that as the law?

A. Yes, sir.

Q. You accept the fact the defendant cannot be found guilty until he's proven guilty beyond a reasonable doubt?

A. Absolutely.

Q. You accept that as well?

A. Yes, sir.

Q. Do you subscribe to the notion that we all lose if people who are innocent of crimes are found guilty?

A. How what?

Q. Do you believe that we all lose if people who are innocent of crimes are found guilty at the end of the trial, everyone loses if that happens, do you agree with that?

A. If they are innocent and found guilty? Oh, definitely.

Q. Do you equally believe if someone's committed a crime and found not guilty, we all equally lose?

A. Right.

Q. Do you believe that equally?

A. Yes, sir.

Q. Okay. Thank you very much, ma'am.

A. Yes, sir.

THE COURT: Mr. Fawer?

BY MR. FAWER:

Q. I'm Mike Fawer. I represent Judge Nixon. Since you don't know him, I guess you saw him yesterday?

A. When they introduced him. Up until that time I was wondering which one it was. I thought it was you. You look like a judge.

MR. FAWER: You hear that, Judge Meredith? Do you hear that?

BY MR. FAWER:

Q. Okay, yesterday somebody referred to me as an old man, that's okay. Let me ask you something, Mrs. Gallagher. I get the feeling you've never sat on a jury before, am I correct?

A. I was called for a local case, civil case, and it was, the lawyers settled it before we -- it got to the jury.

Q. So that you never sat on a jury before?

A. No.

Q. How do you feel about the idea about being a juror?

A. Well, because of the way I know that I am, I wouldn't mind being a juror, because I know that I would listen to the evidence, and the evidence would make up my mind and nothing else, and I wonder sometimes if everybody will do that.

Q. Do you ever jump to conclusions?

A. Sir?

Q. Do you ever jump to conclusions at all?

A. No, sir, the evidence is going to tell me one way or the other.

Q. I get the feeling what you're telling us, what you told Mr. Weingarten is that you really, you know enough to sit back and hear both sides of the story?

A. Yes, sir, that's the only way you can make a fair judgment.

Q. You know there are always two sides of a story?

A. Definitely.

Q. Does it make much difference to you you may hear one side first and you have to wait until you hear the whole other side?

A. No, sir, it doesn't. Could I put an -- try to explain?

Q. That's just what I would like you to do.

A. In my type of business, I do have drunks, okay. And I have had bartenders that I would get a complaint from, the same drunk would complain to me, two, three times about a bartender.

Well, when they decide they want to get the bartender fired, the complaints are going to get worse. So I learned to not jump to any conclusions, not to consider what that drunk said until I talk to the other people that were there at the time, and see who really was right or wrong.

Q. I take it in part what you're saying, your life experience, particularly -- how long have you been running this bar?

A. Two years.

Q. Did you have a bar before that?

A. I've been in the bar business two years. I've only been running this one --

Q. How long have you been in the bar business?

A. Two years. I closed the other one.

Q. Opened this?

A. All together two years.

Q. I take it it's a pretty good way of seeing what human nature is like?

A. Oh, definitely.

Q. You sort of get a chance to get -- a little dark in the bar, but you get a chance to see human character, human nature. I gather from the little story you just told with the bartender and the drunk, sometimes people have a tendency to tell their stories as it suits their purposes?

A. Right.

Q. You've got to sit there and see why they're telling that story?

A. Get all the facts.

Q. Get all the facts, and say wait a minute, you're doing this for a specific purpose, namely you want to see that bartender fired?

A. If all the other evidence sways that way. If you get a complaint from one person, you've got anywhere from four to ten people telling you that one person is making this up, you know they just have a vendetta.

Q. Exactly.

A. You have to wait until you get your facts to make a decision. That's what I do.

Q. People at times, they do have vendettas?

A. Yes, they have their own selfish purposes for doing things, correct.

A. Right.

Q. You know that in this kind of case, in a criminal case as Mr. Weingarten has mentioned to you, the burden of proof is on the government. Do you understand that? While we talk about the defendant being innocent, what we really mean is in a case we really mean whether or not they have proved, the government has proved beyond a reasonable doubt that he's guilty. If he's not, then under the law he's innocent.

A. Innocent.

Q. Are you comfortable with that concept?

A. Yes, sir.

Q. Have you done any reading about this?

A. No.

Q. Do you do much reading?

A. No.

Q. A little too busy a life?

A. I run a household and business.

Q. This may be a foolish question, don't jump at me; what do you do with your spare time if there is any?

A. What little spare time I give to the VFW.

Q. You still involved with that?

A. As much spare time as I have, it's very dear to my heart.

Q. Did that come out of your husband's experience? Did it start at that time?

A. Well, the fact that he is a veteran makes me eligible, but when I was younger, growing up during the Vietnam war, I always wished that I could go, because I feel like the people that go to protect our country are very important to us. There is, if you ever go to a VA hospital, if you have any heart and conscience, you're proud of being an American citizen, you want to help all you can to take care of those guys who get hurt and forgotten.

Q. You spend time at the hospitals at all?

A. I used to, quite a bit.

Q. Do you, are you on any committees at the VFW?

A. Not right now. I am still local VFW POW-MIA, which I hold an event once a year for that. I do things during the year to raise money for the POW-MIA.

Q. You've had enough experience I take it to know that, well, let me ask you another way. Have you ever heard of any other judge being brought to trial?

A. (Nods no).

Q. You've heard of other people being brought to trial who are not judges: Doctors, lawyers, policemen, bartender, bar owners?

A. Right.

Q. Never heard of a judge, right?

A. Not that I can recall.

Q. To that extent, it is unique to you, the first time you had ever heard about it, correct?

A. Well, I'm sorry, sir. As far as I'm concerned, him being a judge really doesn't make that much difference.

Q. That was my next question. I really, that's exactly what I wanted to find out. Whether it would make any difference whether he's a judge or not?

A. In my opinion it does not, he's been charged. He has as much right to his day in court as I would have if I had been charged.

Q. Have you had any -- I guess I really think I know the answer to this, but I'll ask. I only have one chance to find out. We have one chance to go through this sort of job interview.

A. Yeah.

Q. Have you had any, anyone close to you had any bad experience with the judicial system or judge where you thought something he did was unfair, he treated someone unfairly, bothered you? Never happened? You don't know of any such thing?

A. No. Quite the contrary, when I went in for my divorce I asked for 60 dollars a week and the judge gave me a hundred.

Q. Who was your lawyer?

A. Sir?

Q. Who was your lawyer?

A. The lawyer didn't have anything to do with it. The judge looked at how much money my ex-husband made, that's what he felt was fair.

Q. Okay. The charges in this case involve the only thing that you really know about the case, I take it, I'm not going to go back over what Mr. Weingarten asked you. You told us everything you knew about the case, which was really nothing, except that -- publicity has gone on, frankly, for over a couple of years. You weren't exposed, aside from your husband's solitary comment which you really closed down once he mentioned it?

A. That was it. I saw he was indicted while I was in

Louisiana, because I had heard nothing. But I am not a news buff. I'm not a newspaper buff.

Q. I hear you, okay.

A. So there you go.

Q. The case involves, judge has told you, the case, charge of testifying falsely before a grand jury and charge of what's called an illegal gratuity, okay. What's going to be involved in the case, going to come down to is judging whether -- you deciding whether Judge Nixon in his mind intended not to tell the truth, okay? That means trying to decide what he had in his mind, thinking what he was thinking at the time, okay?

A. Okay.

Q. Do you think, that means in part judging his character, and what his life experiences were and what he was doing at the time and the context that he was in at the time, okay? Do you think you would be able -- you understand what I'm saying? You're going to have to understand, try to figure out or come to an understanding of whether he really intended to lie when they questioned him or whether he had no intention of misleading or anything like that, okay? Do you feel you will be able to make those kind of determinations if called upon to do so?

A. Yes, sir, I do.

Q. What if in this case there are -- it occurs that there are people with whom, or a person, say a person with whom Judge

Nixon associated who testifies in the case, but who has admitted guilt of some wrongdoing, okay?

A. Doesn't mean he's guilty. Doesn't mean he's innocent, doesn't mean he's guilty.

Q. You've heard of guilt by association?

A. Yes, sir, I have heard of that. Yes, sir. I've been accused of it, matter of fact.

Q. Then you know better than anyone how unfair that is. I take it that's something you would not let happen in this case?

A. I don't think it's fair.

MR. FAWER: Indulge me a moment.

(Pause.)

BY MR. FAWER:

Q. If you were on trial, someone like you in your frame of mind was sitting in that same seat, you would be comfortable with having that person?

A. I would want someone that feels the way I do on my jury.

MR. FAWER: I have no further questions, thanks.

THE COURT: Mrs. Gallagher, you will be on the final panel from which the jury will be selected. We won't need you, however, until nine o'clock in the morning. You're excused until that time.

MRS. GALLAGHER: Be here at nine o'clock?

* * * * *

(January 23, 1986:)

BY THE COURT:

Q. John Davis. Mr. Davis, do you have any personal problems, business problems, or any other problems that would prevent you from serving as a juror in this case?

A. No, sir, not that I know anything about.

THE COURT: Well, if you don't know about them you don't have any. All right. go ahead.

VOIR DIRE EXAMINATION OF JOHN DAVIS:

BY MR. WEINGARTEN:

Q. Good afternoon, sir. My name is Reid Weingarten from the Justice Department. Seated with me are members of the government's team in this case. We're going to ask you a few questions. The only reason we do it is to determine whether or not you can be a fair and impartial juror. You have two responsibilities with regard to these questions. To answer them completely and truthfully, okay?

A. (Nods yes.).

Q. Are you prepared to proceed?

A. Okay.

Q. Just a question or two about the questionnaire you filled out. The xerox copies were not so hot. You worked at the shipyard for 21 years?

A. About 20, 21 years.

Q. Can you tell us what you did there?

A. Tool room mechanic.

Q. What kind of ships did you work on?

A. I worked in the tool room. I never went on the ship. I was in tool control, burning torches, air motors.

Q. When did you cease working there?

A. 77, 78 I believe when I got, I'm disabled, rheumatoid arthritis. That's when I left there.

Q. I see. Have you been retired ever since?

A. Yes.

Q. How do you fill your days?

A. Pardon?

Q. What do you do now?

A. I don't do nothing. I stay at home, walk a little bit. I'm not able to do any manual labor.

Q. All right. Is the arthritis painful?

A. Well, I take about twelve aspirins a day now is all I do. I took all of it -- as far as bothering me in any way, like lifting my arms or trying to work something, only time it really hurts me.

Q. All right. Have you sat outside? Were you in any discomfort?

A. Doesn't bother me to sit. Sometimes walking, walk too much. As far as sitting it don't.

Q. Do you think that the arthritis would get in the way of your serving on the jury in any way?

A. I don't think so. It might, but I don't believe it would. I don't have no trouble sitting. Hasn't give me any trouble.

Q. The medication, just take aspirin?

A. All I take is aspirin.

Q. That doesn't make you sleepy, does it?

A. No.

Q. When you came to court, when you came to the civic center on Tuesday, had you heard of this case?

A. Never heard of it. I never heard nothing about it.

Q. Not a word?

A. Not nothing. Seemed like when, started talking about it I might have heard it on the news when they first came out, but I didn't know who it was, what it was about, so I didn't, now, didn't recall nothing about it.

Q. Had you ever heard of Judge Nixon before?

A. Never.

Q. When you got the summons, do you know what case it was all about?

A. I didn't know for sure, but I recall something about -- no, I didn't really know what it was until I got to reading what it was about, you know.

Q. Where did you read about it?

A. Something in the paper about when they was going to have it, that's all I knew about it. It was pertaining to what I got.

Q. When you came to Hattiesburg, you knew what case it was going to be?

A. Yeah.

Q. Prior to that, had anyone talked to you about the case?

A. No.

Q. Friends, family?

A. Nobody has mentioned it.

Q. Before you came here, did you have any preconceived ideas about the guilt or innocence of the defendant?

A. No.

Q. You're completely open minded?

A. Yes.

Q. Has anything happened since you've arrived in Hattiesburg to color your opinion about the case in any way, shape or form?

A. No.

Q. Do you think of yourself as a fair man?

A. I think so, yeah.

Q. Is there anything about what you know about this case that causes you any concern whatever that you may not be fair in this case?

A. No.

Q. The defendant is a judge. Would that fact alone cause you any difficulty in treating him like anybody else?

A. No.

Q. Would you hold him to a greater burden than any other defendant?

A. No.

Q. Would you cut him any breaks because he was a judge?

A. No.

Q. In a criminal case, the United States has the burden of proof, and that burden is guilt beyond a reasonable doubt. Did you know that before I just said it?

A. Yes.

Q. And do you accept that?

A. Yes.

Q. You understand the defendant has no burden whatever, defendant doesn't have to put on any evidence, doesn't have to testify. You couldn't hold that against him.

A. Yes.

Q. Do you understand? Do you accept that?

A. Yes.

Q. The charges in this case are illegal gratuities and perjury. Is there anything about those charges that would make it any more difficult for you to judge this case than any other case?

A. No.

Q. Do you believe a judge, like everybody else, has the right to invest his money?

A. Yes.

Q. On top of his salary?

A. Yes.

Q. In the crimes charged in this case, gratuity and perjury, one of the elements of the crimes involves the intent of the defendant to do a particular act at a particular time. Do you have any difficulty in looking at the evidence and making a judgment about someone else's intent? Do you think you can do that?

A. I think so.

Q. All right. I'm going to ask you a hypothetical question. If you were the defense counsel in this case, defense counsel was trying to select a fair juror to hear the case for his defendant, and you came up, or a person came up with exactly your frame of mind, would you be comfortable selecting that juror?

A. Ask me that again.

Q. All right. If you were the defense counsel in this case, sitting at that table, someone walked in as a prospective juror, that prospective juror had exactly the same outlook about the case as you now have, would you as defense counsel be comfortable in selecting that juror?

A. I think so.

Q. Now, move tables. Sit over here. You're the government lawyer. You're looking for justice in this case, the juror sits down with the same frame of mind as yourself. Would you as government counsel be satisfied with that juror?

A. I think so.

Q. You're going to be fair in this case?

A. Yes.

Q. Decide the case on the evidence and the evidence alone?

A. Exactly.

Q. You sure about that?

A. Yes. Positive.

MR. WEINGARTEN: Thank you.

BY MR. FAWER:

Q. Mr. Davis, I'm Mike Fawer. I'm the defense counsel Mr. Weingarten was talking about. I represent Judge Nixon. Judge Nixon is sitting right there at the end of the table. You recognize his face?

A. I know him from out here.

Q. From seeing him up on the stage, okay. Let me ask you one or two questions. Your wife is working over in the City of Mendenhall?

A. Wife works for the city, yes. City clerk, works for the city.

Q. City clerk over there?

A. She is not the clerk. She handles the water bills and so forth for the City of Mendenhall.

Q. Okay. How far is that from where you live?

A. Twenty-five miles probably.

Q. Okay.

A. I live out in the country on Rockport-Shivers Road.

Q. Four children, three girls and a boy, some of them still teenagers, one is 22 years of age?

A. Right.

Q. They are in school, most of them?

A. Older girl works in Mendenhall for the county. She works for Judge Bud Mullins and Judge Lee, justice court judges. She just works for the county, she is a clerk.

Q. She is a clerk for the judges?

A. She works for the judges, yeah.

Q. And the other children are where?

A. All at home.

Q. Okay. What does the 19 year old do?

A. Not working right now. Worked with the newspaper in Mendenhall, but she is not -- she is not employed at the present time.

Q. Have you ever talked to her or any of your other children about this case?

A. No, I didn't even know about it.

Q. I mean you didn't know about it until you got over here.

A. I haven't talked a word about it.

Q. When you came over here before we met in the, Tuesday morning, bunch of people milling around, you were one of them, I guess everybody was asking questions, what's going on, what's this all about. By then you knew this case involved Judge

Nixon?

A. Pardon me now?

Q. By then when you were all milling around, before all of it got started, you knew at that time you knew the case involved Judge Nixon?

A. I knew what it was going to be then.

Q. You didn't know any of the other jurors out here, did you?

A. Not a one.

Q. Did you get to talking to some of them, chatting, just to pass the time?

A. Well, I hadn't talked about the case.

Q. I understand that. I know you haven't. Anybody mention this is the Nixon case or anything about that?

A. No, not really.

Q. You've never been on a jury, have you?

A. No.

Q. Never been called for jury service?

A. Never been on the jury. One time when I was living in Mobile County, I was summonsed to Mobile for a jury, but I never did serve on the jury. I went as -- for a day or two and they dismissed it, whatever. I never was on the jury, I just got a call one time.

Q. You weren't really called, you were just called but you never --

A. Never served, you know, a lot of it there, just had to go to the courthouse a couple days. I never did serve on the jury.

Q. Okay. And let me, as I understand it, you're spending most of your time at home right now?

A. Yeah.

Q. Okay. You really were very active at one time in terms of working, work down at Ingalls?

A. Ingalls Shipyard.

Q. Down at Pascagoula?

A. Yes, sir.

Q. Lived over there for a number of years; what made you move back over here?

A. When I got disabled is when we moved back, wife was from there, she had some land, we built a home up there.

Q. Okay. Let me ask you this: We're here, this case, it happens to be Judge Mixon works as a judge. In your mind, does that make things any different in terms of your judging him as opposed to anyone else?

A. No.

Q. Do you put, I mean do you view judges as being on any sort of pedestal?

A. Right.

Q. You understand why we're asking the question?

A. I understand what you're asking. Just the same as anybody else to me.

Q. Just people, they have friends, they have families, they have friends, I mean they have enemies, just like you or me?

A. Right.

Q. Is that right?

A. Yeah.

Q. Do you have any feeling that they should, I know Mr. Weingarten asked you about it, but it's important I just repeat that one question, any feeling that there ought to be a higher standard at all for someone who holds a public office?

A. No, not as far as the law.

Q. Okay. Do you have any feeling that there is, that there is a lot of cases involving a lot of criminal cases in which people who hold public office are being brought to trial? Do you have any feeling of that sort?

A. No.

Q. Do you have any feeling that we live in a society that is particularly corrupt or do you feel things today are pretty much the way they were a hundred years ago, there are some people who commit wrongs, some people, most people who don't, in balance things don't change in that respect?

A. That's right.

Q. In that sense, is there any lesson to be learned as far as you're concerned, any message to be sent by being a juror in this case?

A. No.

Q. Okay. How do you feel about, would you like to be a juror here?

A. Not necessarily.

Q. Why not?

A. Well, I mean I would do it, but I don't particularly want to, you know.

Q. Okay. What is it, I mean I guess you'd rather --

A. Feel like it's my duty, I'll do it, but I'd rather be at home, yeah.

Q. It doesn't, it does mean you're going to be away from your family if you should be selected. Is there anything about the idea of being a juror though that bothers you?

A. No.

Q. You're comfortable. How do you recall, down at Ingalls, since then, I don't know, maybe a club, some organization, have you ever had an occasion where you get together with another ten people, half dozen people, you have to come to some decision, and you have to thrash out the problem and come to some decision among yourselves? Ever been in a situation like that in your life?

A. Yeah, I imagine I have, I'm sure I have, yeah.

Q. Does that make you particularly uncomfortable, able to express your views, listen to other people?

A. Oh, yes.

Q. Do you have any problem with that at all?

A. No. No.

Q. Do you recall having done that before?

A. No, you know, union meetings and so forth.

Q. Good example. Union meetings, people very often have very different kind of views, right? Sometimes a lot of heat on some of the issues at the union meeting? Can you handle, have you been involved in some of those heated discussion?

A. Not real bad, but we had discussions over it, yes.

Q. Did you hold any office while you were in the union?

A. No, I was supervisor over a few men in the room was all, tool men.

Q. You were supervisor, but you still were a member of the union?

A. Right. I was work supervisor.

Q. You were not management, you're part of the --

A. I wasn't excused from the union at that title I had.

Q. Okay. You were to some extent involved in the union at Ingalls?

A. Yes.

Q. You were union rep?

A. Pardon?

Q. You were not a union rep, or were you?

A. No.

Q. In that connection, though, when you have those kind of discussions, people having different views, were you able to take part in those discussions and say to somebody, I think you're wrong in what you're saying, this is why I think you're wrong?

A. Yes, I've done it.

Q. You've done that before?

A. Okay.

Q. Aside from not, now, rather be home than here, any reason, any other thing of that sort, thoughts that you might have about this case?

A. No other reason than I'd rather be at home.

Q. Do you believe there are some times when there are people accused of crimes or wrongdoing who are wrongly accused, they were really not guilty?

A. I think so.

Q. Okay. Do you believe that occurs at times?

A. I believe it does, yes.

Q. Do you believe the jury system is one means of seeing to it they are not, that they are vindicated? Do you understand that?

A. Yeah.

Q. Do you believe that that's one of the functions of a jury?

A. Yes.

Q. Okay. You realize that is part of our American system, don't you?

A. Right.

MR. FAWER: I don't have any other questions. Thank you very much, Mr. Davis.

THE COURT: All right. You're excused until one o'clock tomorrow. Thank you very much, Mr. Davis.

* * * * *

(January 24, 1986:)

BY THE COURT:

Q. Mr. Andrews?

A. Yes, sir.

Q. Do you have any problem, personal or business or otherwise, that would prevent you from serving on this jury?

A. No, sir.

THE COURT: Whose turn is it to start?

MR. WEINGARTEN: Mr. Fawer's.

MR. FAWER: I think I do.

THE COURT: Okay.

VOIR DIRE EXAMINATION OF LOUIS ANDREWS:

BY MR. FAWER:

Q. Mr. Andrews, I'm Mike Fawer. I guess we were introduced the other day when I was up on the stage. You were in the audience, so you were told I was defense counsel for Judge Nixon. Judge Nixon is seated here with us, seated at the end of the table. Had you ever met Judge Nixon before?

A. No, sir.

Q. Had you seen him before?

A. On TV.

Q. Okay. We have the questionnaire that you gave, that you were kind enough to fill out. Most of it is understandable. My only problem is sometimes the xeroxing didn't work very well. Sometimes there was a bit of a problem. I don't think on yours there is too much. You work right now, you're a bank examiner, no, take it back. You're a banker right now?

A. Yes.

Q. By whom are you employed?

A. Hancock Bank.

Q. Hancock Bank in where?

A. Home office Gulfport. I'm branch manager of Long Beach branch.

Q. Okay. How long have you been doing that?

A. With this bank twenty-three years last April.

Q. Okay. I want to ask you something. You mentioned earlier, I think you mentioned the other day that when you were a bank examiner you had some dealings with Pat McMullan?

A. He was the controller, bank controller at that time. This was in 58 or 59.

Q. Am I right, though, this is when you were a bank examiner?

A. Yes.

Q. He was the controller of what bank?

A. State bank controller.

Q. I see. He was the state banking controller, you were a bank examiner at the time?

A. Right.

Q. Then he went onto the, at some point he goes on to the First Mississippi National Bank, am I right about the banks?

A. I think at that time he was with Deposit Guaranty Bank.

Q. Was he state bank controller and a banker in private business?

A. No. No. He was with the Deposit Guaranty Bank before he was appointed controller.

Q. Okay.

A. And I believe he went back with Deposit Guaranty after his term as controller.

Q. Then went onto some other bank after that?

A. Yes.

Q. Okay. Let me ask you this, you live down on the coast. You've lived there for a long time. Before that in the Brookhaven and Jackson area. You spent most of your adult life in the banking business, is that correct?

A. Since 1950.

Q. Since 1950. And your wife, as I understand it, teaches at the -- she is kindergarten teacher?

A. No. That's my daughter.

Q. I beg your pardon.

A. Wife is --

Q. Housewife?

A. Yes.

Q. She works as a housewife. You have a son who is professor and another one who is a kindergarten teacher?

A. My son, older son is college professor in North Carolina.

Q. Which school?

A. Gardner Webb College. My daughter just teaches in a kindergarten in Houston, Texas.

Q. Fine. Let me go onto another subject with you. One of the things we're doing here in this process is to try to find out what it is that people may have on their minds about this case. The reason for that is a person may be a perfectly fine juror for one case, but there might be some things he has on his mind or her mind about another case that makes it preferable they not sit on the case. That's not always the situation, but sometimes it is. We're going to through a process to determine that. There is no script that you could, I couldn't hand you a script with right or wrong answers, just a case of you being totally honest about what's going on. I have no way of getting in there; I have to rely on what you honestly say.

Before you got your summons to come here about a month ago, you found out you were going to be summonsed for jury duty, right?

A. Right.

Q. Did you know at that point it was the Nixon case?

A. No, sir.

Q. Sometime after that you learned that?

A. Just very recently.

Q. Okay. When, but at the time, all right. You mean from the time when you, by the time you found that out that it was the Nixon case, tell me, I realize you have read the newspapers as I recall, I think you indicated you read, which newspaper do you read? The Daily Herald?

A. Yes.

Q. You get the Times Picayune as well. You also watch the TV news, is that right?

A. Right.

Q. I take it it would be very difficult, if you read the Herald and watched TV down on the coast, what -- WLOX on the coast?

A. Right.

Q. It would be very difficult for you not to have seen the substantial news reports in this case?

A. Yes, sir.

Q. Is that a fair statement?

A. True.

Q. While I gather the individuals were not necessarily people you knew, the bombardment of news, some of it seeps through, you begin to form some understanding of what's going on?

A. Right.

Q. I'd like you to tell me what it is that is your understanding, as best you can. I know it comes from the newspaper, that's okay. Come from friends, it could come from relatives, that doesn't make any difference. Whatever source, tell me what you know about the case. I say the case, the facts, the investigation, situation. Anything you want to call it?

A. Well, not really that much. I haven't read or seen enough to really form an opinion either way. I just mainly read the first part of the news, and then forget the rest of it, or just see what's going on and that's about it.

Q. Okay. I do ultimately want to find out about the opinion, I appreciate you mentioning you don't have it, I accept that. What I really need to do is know a little more about what you know about the facts. If I were to, forget we're here like this, if I came in from out of town and said to you, you know, what kind, are there any really good trials that are coming up, you would say to me, the next case I believe is Judge Nixon. I would say to you what's it about. What would you tell me?

A. The only thing I know is that he's accused of taking a gratuity, that's the main thing that I remember that I've read.

Q. Okay. That's the only thing, that's the main thing. That's what stands out in your mind?

A. Yes, sir.

Q. What kind of a gratuity?

A. Well, I understand an oil well interest or something to that effect.

Q. Was this taken, as far as you remember from reading or hearing, for his doing something?

A. I believe it was for the Fairchild case.

Q. Fairchild case?

A. Give a favorable verdict in the Fairchild case.

Q. Okay.

A. That's the only one I remember.

Q. For a -- okay. Understand something also. I appreciate that you haven't spent a great deal of time thinking this through, right?

A. Right.

Q. I'm asking you some questions that require you to dredge up in your own mind what you have heard, maybe a little bit that you have overheard the last day or two. But I understand that it doesn't, you know, it's not like you have written an essay on it, I understand that, okay. But sometimes some of the things I may be able to throw out at you will trigger, cause a shock of recognition. It may, oh, yes, I remember A, B, and C. The problem we have, we don't want to be in position where we've asked you what it is you know, find out some things, you go outside, sit on the jury, all of a sudden you hear something, gee, I heard about that, you know, and four other things. That's too late for us, okay. So let's go on.

Apparently you think what the reports have been is that he took a gratuity or accepted a gratuity in the form of some oil well interest, and it was in exchange for giving a favorable ruling in a case involving a man named Fairchild, is that right?

A. Yes, sir.

Q. Okay. Do you recall what was the, what kind of ruling it was?

A. No, I don't.

Q. Do you recall what kind of case the Fairchild man had?

A. Drugs.

Q. A drug case. And was that case before Judge Nixon, in front of him?

A. I don't know.

Q. You don't know? Okay. Who was he supposed to have gotten the oil well interests from?

A. Fairchild's father?.

Q. Do you know? Do you remember the man's name?

A. I remember one name, Wiley Fairchild. I don't know if he was the father or the son.

Q. What you understand is that the -- do you recall whether it was the son or the father who was in trouble?

A. The son I believe.

Q. So the son was in trouble and the father gave the gratuity, is that what you understand?

A. My understanding.

Q. Okay. Did you, one name that you mentioned you knew, you raised your hand for, was McMullan's name the other day. How do you understand McMullan fit into this at all?

A. I had no idea.

Q. Nothing. I'm sorry, I didn't mean to interrupt you. Had you read anything lately at all about Pat McMullan?

A. Well, haven't read a paper this week. I saw on television the other night I believe that he had pleaded guilty to some, some charge, I'm not sure.

Q. Okay. You knew McMullan in the past, that the first time you really read about him since?

A. Oh, no. I've seen a good bit about him in the papers.

Q. What do you know about him?

A. Well, with his banking deals, as I understand he's pleaded guilty to hiding loans that he had made. That's about it.

Q. Did the name Nixon ever come up in any of those articles or news broadcasts that you ever heard?

A. Not that I know.

Q. You don't associate those together?

A. No, I don't.

Q. You have no idea why McMullan's name would have been mentioned the other day in reading over the list of possible people whose names might come up in this case?

A. No, sir.

Q. How about the name Wiley Fairchild? Does that have any meaning for you outside of what you've read?

A. No, sir.

Q. Okay. And how about, there were two other names I wanted to ask about. One is Carroll Ingram. Does that name mean anything to you?

A. No, sir.

Q. How about Bud Holmes? Again, what I'm asking you, not only do you know them, but have you read anything about them?

A. Just I know Bud Holmes as his name has been in the papers, on the news.

Q. About what?

A. I'm not real sure what it was.

Q. Okay.

A. What I'm saying is, I read it and forgot it, it didn't mean anything to me.

Q. Do you put the name, the things you read about Bud Holmes in any way together with the case as you described it with Judge Nixon?

A. No.

Q. There is no, you'd be sitting there, if Bud Holmes got on the stand, you wouldn't have the vaguest idea why he would be getting on the stand in this case?

A. No.

Q. So you understand, he most likely will be a witness in the case, you have no reason to understand where he fits in?

A. No.

Q. What about, you told us then basically your information concerns for the most part the allegations concerning Judge Nixon in the Fairchild case and receiving some oil and gas well interests in connection with it. That's really where you, that's what stands out in your mind?

A. Yes.

Q. Are there any further details about that that you recall, in addition to what you've just told us?

A. No, sir.

Q. Have you at any time before you came here discussed this matter casually, I mean just talked to someone where, forgetting about, forgetting your summons to court, in the bank, thing has been a subject of conversation? I'm just asking if you've been present even when that was discussed, been -- talked to your child, wife, friends and associates?

A. Not really, didn't really mean that much to me.

Q. When you say not really, were you present when some others, heard it but didn't take part in it?

A. I probably have been, just didn't pay it that much attention.

Q. Where would that have been?

A. Well, at work or I believe when I mentioned I had been summonsed to jury at church someone told me, I didn't know at the time, someone told me Judge Nixon's trial was coming up soon.

Q. Is that when you really learned for the first time?

A. Right.

Q. Someone -- when that person told it to you in church, you know, you sort of, suddenly realized you had read a little bit about the case. Had you known, by the way, by that time you had known he was indicted, that's what you mean by accused, right?

A. Right.

Q. Was there any mention by the man or woman who mentioned this to you anything further about it, just that may be the Nixon case?

A. No.

Q. Nothing about anybody saying he's in a lot of trouble, any opinion rendered at all by anybody?

A. No.

Q. Even if you put it aside, even if it was someone's opinion you don't -- even if it was someone shooting his mouth off, I don't care. Anything of that sort at all?

A. No, sir, I've really not heard anyone voice an opinion either way.

Q. Okay. That basically takes care of it from the time, once you learned this was the Nixon case, until you came here, I take it you still were reading the newspapers, still watching TV, correct?

A. (Nods yes.).

Q. And in that connection, did you read, in other words, knowing it was the Nixon case, did you see any, you know, have a little different reason for perhaps reading the paper about it? Did you gleen any more information from it about it?

A. No, sir.

Q. Until you came here?

A. No. This I mentioned before was mainly since I knew this.

Q. Okay. Mainly picked up say in the last month?

A. Yes.

Q. Have you been staying overnight here or going back and forth?

A. I went home Tuesday night, but I've been staying over since.

Q. Okay. In this case -- have you ever heard of a judge being accused of a crime before?

A. No. I believe just what I've heard on the news that this would be the third, I believe. But I don't know who the others were.

Q. Okay. So you do understand that this is the third. It is very -- three is a small number. How does that strike you? What does that mean to you? Does it say anything to you in terms of the accusation?

A. No, sir. I really have no thoughts on it, one way or the other.

Q. Do you have any, you know, gone through life, you've not been involved, I take it, you've never been on -- take it back. You have had two instances where you've had jury service, right?

A. Right.

Q. In civil cases?

A. Yes, sir.

Q. You've sat on juries, decided them?

A. Sat on two, both of them -- the judge threw one case out and the other one the accused pleaded guilty before it went to the jury. I've never decided a case.

Q. Let me ask you something. You said they were both, was one of the case a criminal case?

A. Burglary, I think that's --

Q. That's who entered a plea of guilty?

A. Right.

Q. You were selected but before you could deliberate, before you could hear the evidence the man pled guilty?

A. Right.

Q. The other case was a civil case where the judge threw it out you said?

A. I don't remember what it was. I was trying to think the other day when I filled out -- it's been so long I really don't remember what the case was.

Q. How was your reaction to being part of the judicial process? Did you enjoy it?

A. Well, I can't say I enjoyed it, but -- not that much of a bore. It's interesting.

Q. I guess, let me put it the other way. What I guess I needed to ask you, was there any part of it you found distasteful? Always some sitting around; aside from that?

A. That's about it.

Q. Aside from that, was the process -- seemed to make sense to you?

A. Yes, sir.

Q. Have you known any judges in your life?

A. Yes, sir. I knew Judge Lee.

Q. You know him now?

A. He's deceased. The old --

Q. I know there is a judge now named Tom Lee. I don't know if he's --

A. I think that's his grandson I believe.

Q. I think the Lee family has a history of judges in that family. You knew the older Judge Lee?

A. Yes, sir.

Q. Someone you respect?

A. Very much.

Q. How did you know him?

A. He was from my hometown, Forest.

Q. The Lees, they are all from Forest?

A. Yes.

Q. Anything, did you come away, have you had instilled in you over the years since you knew Judge Lee any feeling about judges?

A. Very respectful.

Q. Does the fact that a judge would now find himself -- how do you react to -- you knew a judge, at least one judge, had a lot of respect for him, and here's another judge who is going on trial, who has been accused. How do you, what's your feeling about Judge Nixon at this point?

A. Well, I feel he's human. I really don't -- I've known of Judge Nixon for some time, you know, from what I knew of him I respect him.

Q. Tell me about that. When you say you've heard, obviously, you're on the coast?

A. Just cases, you know, that's been brought before him that he has rendered opinions on is the main thing.

Q. You've, I mean do I understand, as far as you're concerned your opinion of him is that he's been a good judge?

A. Yes.

Q. Have there been any cases or decisions before him you questioned his judgment on?

A. No, sir.

Q. Anything you have ever heard about him that cuts the other way, where --

A. (Nods no). No, sir.

Q. So is it fair to say before these accusations, understand these accusations have been taking, they have been developing or there's been talk of this for a year and a half now, you understand that?

A. Yes, sir.

Q. Does the fact this has been going on for a year and a half mean anything special to you? As opposed to just suddenly hearing about it?

A. No.

Q. I take it then before this all came about your impression was that Judge Nixon fitted into the category of the Judge Lee you knew before, the idea of respecting another judge whom you respected, although you didn't meet him or know him, is that a fair statement?

A. Yes.

Q. Has the accusation changed that in your mind at all?

A. Well, as I said before, I really haven't heard, don't know enough about it to form an opinion one way or the other. To answer your question, no.

Q. Okay. Let me just touch on a few other areas. You have this feeling about judges; do you feel that a judge should conduct himself by a higher standard than anyone else?

A. Yes, I do.

Q. Okay. Tell me about it?

A. Well, I feel about judges like I, when I was in, mainly grammar school about school teachers, felt like they are, you know, a little above the average.

Q. Okay. Of course a judge is in the position of public trust, right, similar to elected officials. Judges may be appointed, federal judges, but they are in that category of public trust. You say that you think they should conduct themselves, you think they should have higher standards?

A. Yes.

Q. Do I understand in a sense then, you would, if you think they should live by that higher standard, they hold that position, you would want to hold them to that higher standard, is that a fair way of looking at it?

A. Well, possibly.

Q. How would that translate, if you're going to hold them to a higher standard, I take it you're going to then expect more of them in the way they conduct themselves vis-a-vis the criminal law than the average person, is that a fair statement?

A. Yes, probably is.

Q. So that a doubt, or the ability to -- what you would be willing to forgive or understand as just human nature or the part of the grocer or the barber, even a lawyer, maybe not a lawyer, doctor, you would not really feel that a judge would be given that same margin, is that a fair statement?

A. Well, no, I don't think. I don't think it would go that far.

Q. How far would it go?

A. Well, when I say that I feel a judge should conduct himself maybe a little higher standard, that doesn't eliminate him from obeying the law or whatever.

Q. I understand that. Just the opposite?

A. I think he, you know, I don't think a judge is any more above the law than I am.

Q. Definitely not.

A. That's what I mean.

Q. Go ahead, sir.

A. Still, I don't know exactly how to put it. It boils down to that I feel that a judge should conduct themselves, as I said, in a higher standard than most of us.

Q. Okay, which means that not only should he obey the law just like you or I, but because he is a judge, you're going to, or you think he should conduct himself in a way that, see if we can put it this way. He shouldn't be in a position, put himself in a position which could compromise himself, is that a fair statement?

A. I don't know if I understand it.

Q. Okay, let me see if I can explain it another way. If a person, if you're going to hold him to a higher standard, if he's going to, you think he should live by a higher standard, we should be able to articulate, we should be able to describe what you mean, right?

A. Uh-huh (yes).

Q. And I gather that what we're saying is that he shouldn't put himself in a position where he could be accused of a crime?

A. Right.

Q. Okay. Now, the emphasis on that, what I said was being accused of a crime, he shouldn't put also -- that's what I mean by even a compromising position. If a judge allows himself to be put in a position where he can be accused of a crime, then he's not living by the standard that you think would be appropriate?

A. That's fair.

Q. Is that --

A. Fair statement.

Q. I want you to understand something. I'm an attorney. You're a very bright man, but you're not an attorney. If you don't understand anything I say, I want you to make sure you say, as you have already, repeat it.

So what we have here is a case where, what we have, this is what I need you to focus on something when we first started about your own state of mind, okay. That's why we're going over this. Here we have a judge who you don't know, except you heard about him, only heard good things. Along comes the situation where sixteen months or so worth of publicity, you know some small amount from what you gathered from it, haven't made up your mind, I gather that, am I correct?

A. Right.

Q. But your position is that you have come through your life, 40 years of adult life at least, believing your life experience says a judge should conduct himself in a way where he does not get himself accused of criminal conduct, correct?

A. Yes.

Q. Judge Nixon is precisely that, he stands here accused of criminal conduct, right?

A. Right.

Q. In your mind, he therefore has not conducted himself by that standard that you say he should meet, correct?

A. Yes, I guess so.

Q. Okay. The problem we have is this. The law says he does not have to live by a higher standard. You have a right, though, to impose that higher standard in your personal thoughts. I honor and respect your right to do that. I may feel the same way. You have a right to live by a higher moral code than I do, correct? You personally may choose to. I may choose to live by a lesser moral code, that's my perogative. That's why we live in this great country; you decided, which is not what the law says it is -- you've decided that a judge who is accused has fallen off that, has in effect, has done something that you would, I don't mean to use an over-harsh word, condemn, but in a sense you have passed some judgment on him because he's accused, am I right?

A. Probably so.

Q. Okay. Let's look at why we're here again. We're here because the other side, the government, and us, need jurors who are the right ones to sit in this case in terms of their own life experiences, correct?

A. Yes, sir.

Q. It sounds to me in almost any other case I could think of you would be an excellent juror. But you have set for yourself, as you have every right to do, a standard for this man, for a judge's conduct, and it so happens we're talking to you about a case in which a judge is going to be on trial. Therefore, we have a situation, don't we, where the man is starting at a disadvantage he shouldn't have insofar as you're concerned, correct?

A. Probably right.

Q. And putting everything else aside, in all fairness, in terms of your own decision, would it not be better that you not, in view of this, since we have plenty of other jurors, would it not be fairer for all concerned, the government and us, that you in effect not serve on this particular case, because of your own personal set of principles by which you live, is that a fair statement?

A. Yes, sir.

Q. Wouldn't you feel better if you were excused because of that from this case?

A. I sure would.

MR. FAWER: Thank you. I appreciate it, I would ask that Mr. Andrews be excused.

THE COURT: You're excused. Thank you, sir.

MR. FAWER: Thank you so much for your time.

* * * * *

(January 24, 1986:)

THE COURT: Mrs. Mize, do you have any problems, personal or business or physical or otherwise, that would prevent you from serving on this jury?

A. Not at this time.

THE COURT: All right.

VOIR DIRE EXAMINATION OF LILLIE JANE MIZE:

BY MR. FAWER:

Q. Okay. Mrs. Mize, I'm Mike Fawer. You were introduced to me four days ago, three days ago I guess. We were introduced when I was on the stage, do you recall that?

A. Right.

Q. I'm defense attorney in the case, and I represent Judge Nixon. You met Judge Nixon at that time, too, he was up on the stage. He's seated right here. Have you ever seen him before?

A. No.

Q. Okay. We're here because we're trying to get a jury in a case. I don't know if you realize it, there has been a lot of publicity about the case, are you aware of that?

A. I'm aware there is publicity, I'm sorry, I hadn't read or seen --

Q. I was trying to explain to you why the process is going the way it is. We need to find some people for a jury here who for one reason or another are not exactly the ones who should sit on this case because of all the publicity, or because of things that have gone on in their own life. The only way we can find it out, what's going on in your mind, what previous feelings you have, what attitudes you have, okay. The way we start out the process is by asking you to fill out a questionnaire so we don't have to go over all the resume, sort of a job interview. Resume of your background?

A. Okay.

Q. By the way, there is no right and wrong answers. What we're doing, just being honest about everything, you know. You live up at Meridian, been living there for sometime now, before that you moved around a lot, period of time you moved around because your husband was in the Navy?

A. Right.

Q. You have a BA, bachelors degree in social work from Mississippi State?

A. That's right.

Q. I see you got that, I mean it wasn't like you just went from high school into getting your masters?

A. Right.

Q. Went back to school?

A. I been back to school after my family was --

Q. Grown?

A. Right.

Q. Very good. You work right now?

A. Mississippi Department of Public Welfare, Lauderdale County.

Q. What kind of work?

A. I determine eligibility.

Q. Do you enjoy it?

A. Yes, I do.

Q. Okay. Have you done some other work before that?

A. No, I was strictly housewife.

Q. That's work?

A. That's work.

Q. Right. Don't let anybody ever tell you it's not.

A. Moving around was difficult.

Q. Okay. I take it your husband is now retired?

A. He's medically retired.

Q. What?

A. He is medically retired.

Q. Is he doing anything right now, I mean retired, medically retired, he has as I understand it a master in business?

A. Yes. He's not, he has not been employed since he left the Navy. He has severe heart attacks, had open heart surgery.

Q. I don't believe you had indicated there was any hardship for you to serve on the jury; does that present any problem for you?

A. No, my husband, perfectly -- obviously I'm not crazy about serving because I've never served on a jury before, but I really do not have a reason not to. I have a 17 year old son, husband takes care of him.

Q. There is nothing?

A. Really no problem.

Q. That's fine. In other words, you're satisfied it's taken care of, you're not crazy about serving, but that's really the newness of it more than anything else?

A. Right.

Q. Right?

A. New experience for me.

Q. You indicated sometime before you have children, before you had children you did some, did work outside the home?

A. Yes, years ago I worked for Holiday Inn, twenty-five years ago.

Q. Behind a desk you mean?

A. Yeah, restaurant part, what have you.

Q. Let me ask you something, why don't you tell us, like I said, thing's gone on for a long time. Living in Meridian, over in Lauderdale County, Meridian isn't that far from here, it does get some news, Jackson stations carried it. What newspaper do you read over there?

A. Meridian Star.

Q. Okay, I don't know how much of it appeared there, venture to guess you saw some of it on television. Before you came to court what did you know about the case?

A. Okay. In my mind I remember the charges brought. Mainly back in the fall, I don't know when. And then I can honestly say I did not hear or read anything about it until Monday, it was some news on the TV about the trial beginning, jury selection in Hattiesburg.

A. Okay.

Q. If I was a stranger coming from another state or over on the west coast, I came to Mississippi and I was going to stay at your house a week or so, and I said hey, what's going on around here, any good trials coming up, anything like that. What would you tell me about this case?

A. Nothing other than a federal judge on trial, I don't even know the charges really.

Q. That's fine. We're just, you're saying, even though there was some publicity about it --

A. I have not, I did not, I have not read anything in depth.

Q. Nothing in depth that tells you, no matter what I did, you couldn't tell me what the charges are?

A. The charges would be perjury, I remember the perjury charge, and I can't remember the other one.

Q. Can you describe the other charge?

A. It was, what? You do a favor for me, I'll do a favor for you type thing.

Q. That's normally called bribery; in this case it's called accepting an illegal gratuity, fancy way of saying it, okay. Do you have any -- do you recall at all what it is that Judge Nixon was supposed to have gotten?

A. The only thing that I had heard anything about is oil leases.

Q. Something about oil leases?

A. Right, that's all.

Q. How about, what was he supposed to do for that?

A. I don't know.

Q. You have no knowledge?

A. No.

Q. Let me though -- was there any case he was supposed to do anything on?

A. Do not know.

Q. Are there any names you associate with this charge?

A. No. Other than -- the name of it, I can't think of it now.

Q. Is it the name of the person?

A. The judge named the person off, only association I have with it.

Q. Let me mention some names, see if they mean anything to you. Does the name Bud Holmes mean anything?

A. No.

Q. Does the name Wiley Fairchild?

A. Right, that's it, Fairchild.

Q. Does that name mean anything to you, though, aside from that?

A. No.

Q. You remember something from the paper about that?

A. Other than this was supposedly the man involved in it.

Q. Okay. Do you have any idea what he had to do with it?

A. No, I do not.

Q. Aside from that, pretty much it, do you remember what it is that Judge Nixon was supposed to have done, supposed to have received something about oil leases, and something about a man named Fairchild involved?

A. Right.

Q. That's it?

A. That's it.

Q. Nothing more?

A. I have not read anything.

Q. That's okay. You don't have to apologize for that. You could have studied it as a research project, that would have been okay. If you don't know anything about it that's okay, too. How about the perjury, what do you understand that's about?

A. The only thing I understand about it is he perjured himself at the grand jury.

Q. Okay. Testifying before the grand jury?

A. Right.

Q. Do you know what a grand jury is?

A. They sit and they, when the charges are brought against you, they determined whether or not the charges are brought against you.

Q. Okay. They don't determine guilt or innocence, right?

A. Right.

Q. That's what the jury here is ultimately going to do, right? Judge Nixon apparently, according to what you know, went before the grand jury and they say he didn't tell the truth there?

A. Right.

Q. Anything more that you recall?

A. No.

Q. You don't recall what it is he wasn't -- the subject matter of it you don't know?

A. I don't know.

Q. Have you ever been involved or had any exposure to grand juries before?

A. No, I haven't. I've only been called to jury duty. The case was sort of civil like, it was settled before the jury was picked.

Q. You knew, you apparently know, I assume it's just because you're an intelligent person and knowledgeable, you know what a grand jury was?

A. Right.

Q. Not everybody does, you know. Where did you learn that?

A. Well, we have had some trials in my county, charges in some other cases.

Q. Talk about the grand jury, file a charge of this or that?

A. Right.

Q. I take it you know every time anybody is found not guilty in a case, they first were charged by a grand jury that brought the charges?

A. I'm sorry?

Q. Every -- you've read about people being found not guilty? Have you ever heard of a trial occurring in which a party is found not guilty?

A. The trial, yes. I don't know that grand jury --

Q. I think I confused you. Forget the grand jury for a minute.

A. Okay.

Q. You've heard of trials where people are found not guilty? They have been acquitted of any wrongdoing?

A. Right.

Q. You realize in any one of those cases a grand jury first looked at it and said we think you ought to at least stand trial?

A. Right.

Q. You understand that concept?

A. True.

Q. That's the same thing that happened here, right?

A. Right.

Q. We had a grand jury first, now we're going into the trial?

A. Right.

Q. Do you draw, in terms of your -- what your understanding is, the judge has been accused by a grand jury as you said it, by perjury, accepting this illegal gratuity, receiving it, okay. That's what the charge is?

A. Charge is.

Q. Do you put any credence in those charges because there is an indictment that the grand jury has said?

A. No. Like you said, they do not determine guilt or innocence. Charge can be brought.

Q. Can be brought. You will expect the government to prove it before you would find him guilty if you were a juror in this case?

A. Yes.

Q. Any problem with that in your mind?

A. No.

Q. Do you think that the system works any other way?

A. This is the way the system is supposed to work.

Q. How about Judge Nixon or me, since I represent him. Do we have any obligation as far as you know to prove anything to you, or is that just the government's burden?

A. I feel like that you should prove his innocence, he did not do this.

Q. Okay. What if the judge decides he didn't want to take the stand and explain his side of it and the government put on some evidence, not a whole bunch, put on some. Would you hold it against him he decided not to put on any evidence?

A. No.

Q. How would that square with your telling me that you would expect us to prove that he's innocent?

A. Okay. I would say that he's got to have, somebody's got to come prove, or speak in his behalf, that he would not do it.

Q. Surely, that's going to happen, okay.

A. That's what I mean.

Q. Be a waste having me around if I didn't do something, right?

A. Right. This is what I mean when I say proof, it would be --

Q. The point is, the judge will tell you this, while of course we take part in the trial, we will cross-examine witnesses, we're free to call witnesses ourselves. But it's the government who has to convince you, we don't have to convince you, they have to convince you, you understand that?

A. Yes.

Q. They not only have to convince you, they have to convince you beyond a reasonable doubt. You've heard that phrase before?

A. Yes.

Q. You comfortable with that concept?

A. Right.

Q. Okay. Have you ever been involved in a group discussion setting, in other words where you sit around with ten, twelve other people, and bat around an idea of some sort or a problem that you might have?

A. Yeah. Some of my classes has been in group session type classes.

Q. Sometimes different people take very different opinions on some points in those classes?

A. Yeah. Some of them.

Q. Okay. Do you have any problem taking part in that kind of setting?

A. No.

Q. Let me ask you something, have you ever heard of a judge being charged with a crime before this?

A. No, I haven't.

Q. Stike you as unusual?

A. No.

Q. Why not?

A. They are people just like everybody else.

Q. Okay, I agree. Do you think that a judge could be a victim of circumstance just like you or I could be?

A. He could be accused, yes.

Q. I guess they could. What you're saying they could be wrongly accused just like anybody else?

A. That's right.

Q. Do you feel, I mean do you have any particular attitude toward judges, think they should conduct themselves in some way differently than you or I?

A. No, not really.

Q. Okay. You're going to hold the judge to any higher standard of conduct than you would hold any other person to?

A. We're talking about as far as the law goes?

Q. That's right.

A. No, everybody should obey the law.

Q. Only thing is everybody doesn't deal with the law on a day in day out basis; you're not involved on a day in day out basis with the law. Judges are, that's why I'm asking the question. Under the law the judge is to be considered the same as anybody else, right?

A. Right.

Q. He's the defendant in the case?

A. Right.

Q. Do you have any problem with that concept?

A. No, I don't.

Q. You earn a salary?

A. Yes, I do.

Q. I guess your husband when he worked for the Navy, which is for the government, he was on salary?

A. Right.

Q. The judge is on salary, too. Do you have any problem with the judge making an investment, wholly aside from his being a judge, deciding to make an investment, buy some property or real state or rental property?

A. Not at all.

Q. Oil lease or something of that sort?

A. Not at all.

Q. Do you think there is anything wrong with buying anything?

A. As long as making an investment, his job would be just like mine if I were making an investment.

Q. Do you feel it's okay to borrow money to make an investment?

A. As long as I pay it back.

Q. That's what banks are for?

A. That's right.

Q. That's what some people, sometimes you buy a house from someone, they hold the mortgage on it, right?

A. Uh-huh (yes).

Q. Nothing wrong in that as far as you're concerned?

A. No.

Q. In this case, what we're going to be focusing in on is Judge Nixon's state of mind like he sits, he went to the grand jury -- you understand he testified before the grand jury. What he's accused of doing is giving false testimony. Lying. What the judge is going to tell you, Judge Meredith, is what you're going to have to determine is what -- did he intend to lie to those people, did he intend to mislead them, did he know he was lying when he did it, when he said what he said, okay? Just so you understand, if you came in here now and understood me to mean something, okay, I'm questioning you, you understand me. You believe you're telling me the absolute truth, right?

A. Uh-huh (yes).

Q. But what you didn't know is you misunderstood the question, or you misconstrued it, you understand?

A. Yes.

Q. You wouldn't be guilty of perjury, would you, because you didn't intend to lie to me?

A. If I did not intend to lie to you, no.

Q. That's right. For example, what I'm saying to you is unless you have, unless the government can establish that Judge Nixon believed he was lying, he cannot be guilty, do you understand that?

A. I understand what you're saying.

Q. Do you have any problem with that?

A. No.

Q. You're sure about that?

A. Positive.

Q. Okay. I'm a lawyer. I'm not trying to play with words or anything. You see the reason I'm mentioning it is the distinctions are rather technical, but the lines of, fine lines which you must be called -- you will be called upon to draw here. You will be asked to look into a man's mind, understand?

A. Right.

Q. Think you'll be able to do that? Obviously no one, we have no pictures, you have to hear the facts, listen to the testimony?

A. Right.

Q. Comfortable with that?

A. I think so.

Q. Have you ever had occasion where you had to decide whether somebody is telling you the truth?

A. Every day.

Q. Okay.

A. On my job.

Q. What kind of claims do you process?

A. To determine eligibility, for AFDE and food stamps.

Q. People sometimes have a tendency to tell stories in order to make themselves eligible?

A. Right.

Q. Okay. You need to be a fair judge of character, don't you?

A. You need to be.

Q. Do you think you're a fairly good judge of character?

A. I feel like I am, but there is a lot gets by me.

Q. Okay. Let me ask you something, do you think you have become cynical at all?

A. I don't think so.

Q. Know what I mean?

A. Right.

Q. You ever believe everyone out there is trying to put something over on you?

A. No, I don't.

Q. You feel that a lot of those people deserve, are eligible and deserve to get their --

A. Right.

Q. What's coming to them?

A. Some are not.

Q. Is it true also some of them don't understand whether they are eligible or are not?

A. True.

Q. You explain it to them?

A. Right.

Q. They understand, gee, I didn't realize I'm not really eligible for a certain reason?

A. Right.

Q. In each case it makes you try to understand what that person, not only the facts of elgibility, but whether these people are telling you the truth or not, you're really looking into their mind?

A. Right.

Q. Okay. Do you, I just want to ask you one other thing. Would you like to serve on this jury? I know it's new to you. How do you feel about serving?

A. Like I told you, I'm really not crazy about it.

Q. Why not?

A. I'd rather be home.

Q. Okay. How about the burden, the responsibility of it, does that trouble you at all?

A. That does not trouble me. I could not serve on a murder trial, because that would go against my conviction.

Q. This is not that, of course?

A. Right.

Q. You do, I mean in the scale of things in your life, would you put this as a very, very serious matter?

A. I feel like it's very serious to him. There is a lot involved in it.

Q. His career, everything?

A. His career, right.

Q. Also the, it's serious for the government, too, who has brought the charges?

A. True.

Q. If you're called upon, let me put it to you, simple way we sometimes put it. If you were a defendant, you could be a defendant in this case, accused like anybody else, like Judge Nixon. If I were sitting on this side of the table, we were questioning somebody, I represented you, we were questioning someone who was exactly like you, that's the way you think, your frame of mind, would you want that person on your jury?

A. I feel like I could give a, what I feel would be a, my conviction. If, if the -- how do you want to say it. If it's beyond a shadow of a doubt in my mind that this is what happened or this is not what happened, I feel like that I could go with my conviction.

Q. Okay. So I can find it out, I know we all say beyond a shadow of a doubt. It's not beyond a shadow; reasonable doubt. Same thing. That's all it is. Which is a very serious burden. You're satisfied you could hold the government to that burden?

A. I feel like I could go either way, like I said, which ever way that I feel like in my mind is what happened.

MR. FAWER: Okay. Thank you very much. Appreciate talking to you. Wait. Maybe some questions over here.

BY MR. WEINGARTEN:

Q. Good morning, Mrs. Mize. Good afternoon, it's about two minutes after twelve. Let me ask you briefly, your son is in Boulder?

A. Right.

Q. Did he go to school there?

A. No, he was in school, he graduated in north Mississippi.

Q. How did he wind up in --

A. He's 28 years old. He's a rolling stone, really. Unmarried.

Q. Have you visited him up there?

A. No, I haven't.

Q. You indicated that if this were a murder case you might have some difficulty with it?

A. Right.

Q. Why is that?

A. I do not believe in capital punishment. I cannot believe you can take another person's life. They should be punished, but not take their life.

Q. If you were operating in a legal system where there was no capital punishment, would you have any difficulty in that setting?

A. No.

Q. So your trouble with a murder case is limited to executing the defendant?

A. Right.

Q. Search your conscience. This is an important question. Is there any other aspect of the criminal justice system that conflicts with your moral beliefs or your religion?

A. No, other than capital punishment, that's the only thing.

Q. Do you think, would you have any hesitation because of your moral beliefs finding someone guilty if you believe they committed the crime?

A. No.

Q. Are you certain of that?

A. Positive.

Q. Are you sure?

A. I'm sure.

Q. Let me ask you this. If the government does not meet its burden to prove the defendant guilty beyond a reasonable doubt, do you have any hesitation whatever of finding that defendant not guilty?

A. If what now?

Q. If the government doesn't meet its burden, doesn't produce enough evidence at trial to find the defendant guilty beyond a reasonable doubt, would you find that defendant not guilty?

A. If they do not prove beyond a doubt he's guilty, I can.

Q. Not a doubt; it's a reasonable doubt?

A. Reasonable doubt.

Q. Think about the difference between a shadow of a doubt. If the government has to find him guilty beyond a shadow of a doubt, it would almost be to a mathematical certainty, which is inconsistent with what the law is. Let me ask it this way. If the government didn't meet its burden, could you find the defendant not guilty?

A. If he did not prove to me, or not prove to me, by reasonable doubt.

Q. If the government did meet its burden, did prove beyond a reasonable doubt that the defendant in this case committed the crimes charged, how would you vote?

A. In my opinion, if you proved to me beyond a reasonable doubt that the crime was committed, I would vote guilty.

Q. Can you do that?

A. Yes, I can.

THE COURT: Ma'am, you're excused until eleven o'clock in the morning. Report back to the federal courthouse on the second floor at the corner of Main and New Orleans.

A. Main and what?

THE COURT: New Orleans. We'll recess until one-fifteen.

* * * * *

(January 25, 1986:)

(In open court:)

BY THE COURT:

Ladies and gentlemen, can you hear me all right? You all have been qualified as prospective jurors. The lawyers for both sides will now exercise their strikes to choose the panel which will sit in this case, but before that happens, I want to ask you one more time, in the last few days has any of you had any exposure to the news media, or have any one of you tried -- anyone tried to contact you or your family about this case? If so, raise your right hand.

Two of you have attempted to have been contacted?

JUROR GIPSON: You can't go anywhere without it happening. It's been in the grocery stores. I mean you hear it everywhere.

MR. FAWER: May we approach the bench?

(At the bench:)

MR. FAWER: Why don't we let her either come into your office or just come up to the bench maybe, tell us what she wants to say.

THE COURT: All right.

(In open court:)

BY THE COURT:

Those two of you, will you come forward, please? One of you come up.

(At the bench:)

THE COURT: Okay. What has your experience been, ma'am?

JUROR GIPSON: I was in the grocery store the other night. Two ladies across the aisle, at the other checkout aisle, were talking. As quick as I could I got away. Well, it's going on. Nothing being said as far as innocence or guilt, but you're telling us don't, you know, don't listen to this, but you can't get away from it. At lunch today I was sitting in a restaurant, men at the next table went to talking about it. Well, I got up. I've -- could not eat. Got up and left. You can't go to total strangers and say please don't talk about this, I'm not allowed to hear it.

THE COURT: Let me ask you this. Has that caused you any problem about sitting as a juror?

JUROR GIPSON: No. Like I say, it's not really as to innocence or guilt. It's just what is happening.

THE COURT: I understand.

JUROR GIPSON: But I don't mean to sit back and say I haven't heard anything when I have.

MR. FAWER: No problem.

THE COURT: Any questions?

MR. FAWER: None.

JUROR GIPSON: And also, the other day you all asked me on the questionnaire something was asked about anything, my husband's uncle used to be a justice of the peace. Once again, it doesn't change anything.

MR. FAWER: Don't worry.

JUROR GIPSON: I did think about it.

(In open court:)

BY THE COURT:

Will the other juror who raised her hand come forward?

(At the bench:)

MR. WEINGARTEN: This is Ms. Francis who we talked to this morning. Is there anything more than what you already told us? Anything other than what you've already told us about?

JUROR FRANCIS: No, sir. You said raise your right hand.

THE COURT: You have no problem about that?

JUROR FRANCIS: No, sir.

THE COURT: Okay.

(In open court:)

BY THE COURT:

Okay. Now, is there anybody that has developed a personal problem or any other problem since you've been here that would cause you a problem in sitting on this jury that you didn't have when you first -- when we talked to you? If so, raise your right hand.

(No response.)

I assume all of you are ready to go. All right.

(Lawyers making strikes.)

(End of transcript.)

(End of Volume 22.)

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
1-28-86	G-1	Transcript of Walter L. Nixon Jr.'s testimony before the Grand Jury-July 18, 1984	David Ward	X
"	G-2	Memorandum of Understanding - Redditt Andrew Fairchild, dated 11-19-80	Drew Fairchild	X
	G-3	Indictment against Redditt Andrew Fairchild & Robert L. Watkins, dated 7-81 by State of Miss., Forrest County	"	X
"	G-4	Order of Circuit Court of Forrest County, Miss., passing Drew Fairchild's case to the files, dated 12-23-82	"	X
"	G-5	Indictment of Federal Grand Jury against Redditt "Drew" Fairchild filed 3-29-85		X
"	G-6	Papers filed in Cause No. 10,041 styled "State of Miss. vs. Andrew Fairchild", in the Circuit Court of Forrest County, Miss.	"	X
"	G-7	Federal Indictment against Malcolm David Nathan, Mario Torres & Kenneth Robert Hatfield, Jr., Cr. No. H80-00005, filed 8-19-80	George Phillips	X

86-4248

TWO

ATE	NO.	DESCRIPTION	SPONSOR	ID	EVID
-[illegible]86	G-8	Assignment of overriding Royalty on Oil & Gas-Mobile County, AL, dated 2-25-81	Walter L. Jarvis, Jr.		X
"	G-9	Overriding Royalty Deed-Marion County, Miss., dated 2-25-81	"		X
"	G-10	Overriding Royalty Deed-Covington County, Miss., dated 2-25-81	"		X
"	G-11	Manila envelope entitled "Overriding Royalty Deeds"	"		X
"	G-12	Assignment of Overriding Royalty on oil & gas, State of Al., Probate Court, signed 12-11-85, Mobile County, Al	"		X
"	G-13	Overriding Royalty Deed - Marion County, Ms., Dated 2-25-80	"		X
"	G-14	Overriding Royalty Deed - Covington County, Ms., dated 2-25-80	"		X
"	G-15	Negotiable promissory note - Walter L. Nixon, Jr., in the amount of $4,500.00, dated 2-25-80	"		X
"	G-16	Negotiable promissory note - Walter L. Nixon, Jr., in the amount of $3,000.00, dated 2-25-80	"		X
"	G-17	Negotiable promissory note - Walter L. Nixon, Jr., in the amount of $2,000.00, dated 2-25-80	"		X
-30-86	G-18	45 checks to Walter L. Nixon, Jr., from W. R. Fairchild Construction Co., for royalty paid.	Wiley Fairchild		X
"	G-19	19 checks to Walter L. Nixon, Jr., from Fairchild-Windham Exploration for royalty paid	"		X
1-31-86	G-20	Appointment book of Bud Holmes	Bud Holmes		X
"	G-22	Information - Paul H. "Bud" Holmes, filed 6-18-85	"		X

S CONT. -
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TE	NO.	DESCRIPTION	SPONSOR	ID	EVID
1[illegible]-86	G-23	Plea Agreement of Paul H. "Bud" Holmes, signed 6-18-85	Bud Holmes		X
2-4-86	G-24	Visitors Record for Joseph Krohn	---------------		X
"	G-25	Visitors Record for Joseph Krohn (copy of card)	---------------		X
"	G-26	Totals of royalty checks	---------------		X
2-7-86	G-27	Walter L. & Barbara C. Nixon Financial Statement, 12-31-82	---------------		X
"	G-28	Press Release - Walter L. Nixon, Jr.	Walter L. Nixon, Jr.		X
"	G-29	Calendar of Walter L. Nixon, Jr., 1982	---------------		X

JR

£	NO.	DESCRIPTION	SPONSOR	ID	EVID
-28-86	D-1	Declaration & summons filed against Drew Fairchild by William F. Porter, Cause No. 3-81-567	Drew Fairchild		X
"	D-2	Copy of check to William F. Porter from Wiley Fairchild in the amount of $2,669.19, dated 7-3-81	"		X
"	D-3	Copy of check to William F. Porter from Wiley Fairchild in the amount of $7,500.00, dated 9-3-81	"		X
"	D-4	Assignment of oil, gas & mineral leases, dated 9-4-81	"		X
"	D-5	Orders of continuances in the Circuit Court of Forrest County, Miss.	"		X
"	D-6	Copy of newspaper article from Hattiesburg American dated 1-7-83	"		X
	D-7	State's motion to reinstate Drew Fairchild's case on active docket & order placing case back on active file, both filed 1-26-83	"		X
"	D-8	Copy of newspaper article from Hattiesburg American, dated 1-27-83	"		X
2-7-86	D-13	Assignment of oil, gas & mineral leases, dated 9-4-81	(PREVIOUSLY ENTERED AS D-4)		X
1-29-86	D-15	Letter to Ken White-Spunner with attached copies of two letters to Mrs. Elma Manasco, dated 4-16-85 & 4-23-85	Walter L. Jarvis, Jr.		X
"	D-16	Tape of conversation between Wiley Fairchild & Walter Jarvis on 4-18-84	"		X
"	D-16A	Transcript of tape of conversation between Wiley Fairchild & Walter Jarvis on 4-18-84	"		X
"	D-17	Tape of telephone conversation between Wiley Fairchild & Walter Jarvis on 4-18-84	"		X

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ATE	NO.	DESCRIPTION	SPONSOR	ID	EVID
1-29-86	D-17A	Transcript of tape of telephone conversation between Wiley Fairchild & Walter Jarvis on 4-18-84	Walter L. Jarvis, Jr.		X
"	D-19	Three negotiable promissory notes signed by Judge Nixon marked "Paid" with attached 8 cancelled checks of Judge Nixon's	"		X
1-30-86	D-20	Alabama Oil & Gas Board Producer's Monthly Report (Wilkie Well)	Wiley Fairchild		X
"	D-21	Miss. Oil & Gas Board monthly production ledger through 12-81 (Rogers Well)	"		X
"	D-24	Letter to Billy Riley from Judge Nixon, dated 8-20-84, with attached cancelled check No. 2735	"		X
"	D-25	Letter from Lynn S. Jones "TO WHOM IT MAY CONCERN" dated 7-16-84	"		X
"	D-27	Copy of Deputy Clerk's Docket Sheet in USA v Billy Ray Shows, M. D., No. E76-13	Stipulated		X
"	D-28	Letter to Barry Hess from Reid H. Weingarten, dated 11-20-84	Wiley Fairchild		X
"	D-29	Plea Agreement of Wiley Fairchild, dated 11-26-84	"		X
1-31-86	D-30	Copy of Deputy Clerk Sheets of motions, etc., before Judge Nixon	Bud Holmes		X
2-7-86	D-31	Hank Williams Phonograph records (6)	---------------		X
1-31-86	D-32	Excerpt of telephone call made by Pat McMullan to Bud Holmes 7-24-85	Bud Holmes		X
2-7-86	D-32A	Transcript of tape of telephone call may by Pat McMullan to Bud Holmes 7-24-85	---------------		X
2-3-86	D-33	Royalty Division Orders	Carroll Ingram		X

DATE	NO.	DESCRIPTION	SPONSOR	ID	EVID
-3-86	D-34	Letter to Transco from R. L. Jarvis, Jr., dated 12-17-81	Allan Jackson		X
"	D-35	Letter to D. J. Lewallen, Exxon, from Ken P. Hanby, dated 1-24-80	"		X
"	D-36	Operating Agreement in letter form, dated 2-3-81	"		X
"	D-37	Allan Jackson's report of Mobile County Well, dated 1-30-86	"		X
2-7-86	D-38	Financial Disclosure Statement-1981-Walter L. Nixon, Jr.	---------------		X
"	D-39	Oil & Gas Investments Summary - Walter L. Nixon	---------------		X
"	D-40	Disclosure Statement-1982-Walter L. Nixon, Jr.	---------------		X
"	D-41	Financial Disclosure Statment-1983-Walter L. Nixon, Jr.	---------------		X
"	D-42	Deputy Clerk Sheet dated March 10-11, 1983	---------------		X
2-6-86	D-43	Tape of Interview between Reid Weingarten & Walter L. Nixon, dated 4-19-84	Walter L. Nixon, Jr.		X
"	43A	Transcript of tape of interview between Reid Weingarten & Walter L. Nixon, dated 4-19-84	"		X
"	D-44	Tape of Grand Jury testimony of Walter L. Nixon, Jr., taken 7-18-84	"		X

WITNESSES FOR DEFENDANT:

February 4, 1986:

1 Glen Lewis White, District Attorney, Forrest & Perry Counties, Petal, Miss.

2. Jack Weldy, Hattiesburg, Miss.

GOVERNMENT EXHIBIT 1

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

SPECIAL GRAND JURY IMPANELED JULY 18, 1984

TESTIMONY OF JUDGE WALTER L. NIXON, JR.

Wednesday, July 18, 1984

Hattiesburg, Mississippi

(A QUORUM PRESENT)

APPEARANCES:

ROBERT I. RICHTER
REID WEINGARTREN
U.S. Department of Justice
Public Integrity Section
Washington, D.C.
REPRESENTING THE UNITED STATES

FOREMAN: DAVID MITCHELL WARD, SR.

DEPUTY FOREMAN: DOROTHY MAE CLAYTON

REPORTED BY:

DALE N. MILFORD,
Certified Shorthand Reporter,
Registered Professional Reporter,
Court Reporter For Special Grand Jury
Order Dated February 21, 1984

MR. RICHTER:

We're in session, and the judge will be in any second.

(WITNESS ENTERS ROOM)

THE FOREMAN:

Do you solomenly swear that the testimony you're about to give in the cause pending before this grand jury will be the truth, the whole truth and nothing but the truth, so help you God.

THE WITNESS:

I do. Ladies and gentlemen (nods to grand jury).

JUDGE WALTER L. NIXON, JR.,

having been first duly sworn, was examined and testified, as follows:

EXAMINATION

BY MR. WEINGARTEN:

Q. Your name, sir? Your name?

A. Walter L. Nixon, Junior.

Q. And how are you employed?

A. I'm a United States district judge for the Southern District of Mississippi.

Q. And where do you sit, Judge?

A. I didn't understand you.

Q. Where do you sit?

A. I sit in Hattiesburg, Vicksburg, Jackson, Meridian and Biloxi, sometimes in Natchez.

Q. How long have you been a federal judge?

A. Sixteen years next week.

Q. And who appointed you?

[redacted]

Q. And you're also the chief judge of the Southern District of Mississippi?

[redacted]

Q. And where are your central headquarters? Where do you generally sit? Where is your--

A. Biloxi. I was born and raised in Biloxi and we live-- my wife and children and I live in Ocean Springs which is just across the bridge from Biloxi, I'd say, approximately four miles.

Q. Judge Nixon, my name is Reid Weingarten. Seated to my left is Robert Richter. We're both attorneys for the United States Department of Justice

A. I know you and I have met before. I've never met the other gentleman.

Q. As I'm sure you're aware, the ladies and gentlemen in the courtroom at this moment are members of the federal grand jury in the Southern District of Mississippi. You have graciously volunteered to appear this afternoon and give testimony in this investigation. As I understand, you're presently on vacation?

A. I think so.

Q. Hopefully--

A. My family is, anyway.

Q. Hopefully, we'll-- well, certainly we'll be finished this afternoon and you can get on your way. Appreciate your coming.

A. I appreciate that.

Q. Judge Nixon, I am absolutely convinced that you understand completely a witness' constitutional rights, but by regulation I'm required to advise you that you have the right to an attorney, your attorney can't be in the grand jury with you but that at anytime during the proceedings if you wish to consult with an attorney, you're free to do so. Anything a witness says in the grand jury can be used against that witness in subsequent proceedings. And of course you understand that any-- that you have the right not to answer any question the answer to which might tend to incriminate you.

You understand all those rights?

A. I do.

Q. Thank you, sir.

A. You're welcome.

Q. [redacted]

A. Yes, I do.

Q. And how do you know him, sir?

[redacted]

Q. What were the circumstances of the meeting?

A. [redacted]

conversation-- Carroll has been very successful in business also. And I asked Carroll if the occasion ever arose where he was going to invest in anything, and I think I mentioned oil and gas and real estate or any other comparable transaction, or if he knew of one that he was not going to invest in that looked promising, [redacted]ecause I've got four daughters at home and at that time they ranged in ages from three to, I think, 14 years, and I would like-- wanted to try to supplement my income if possible by making investments to try to increase my income because I knew I had to put them through college when and if they wanted to go.

Q. All right.

A. And sometime later-- that was I think in '79, 1979, best of my recollection. And I tried to reconstruct a lot of this since you and I talked in April of this year. At that time you came into my office and talked to me and I gave you an appointment.

I had no information in advance about what you wanted to talk about and I tried, to the best of my ability, to answer your questions concerning what had transpired years before. And I have tried very hard to reconstruct, since that time, what has occurred with reference to the transactions you asked me about, and I'm sure you'll ask me about today, and [redacted]

Q. Okay. Did Carroll Ingram get back to you?

A. [redacted] I think it was probably in the latter part of 1979 or sometime the very first part of 1980, to the best of my recollection, and [redacted]

Q. Had you heard of Wiley Fairchild at that time?

A. I'd heard of him, yes. I had heard-- I thought he was in the construction business, road and bridge building, which was the only thing I knew about him at the time, and I had heard nothing of course derogatory about him. I heard he was a very successful and wealthy businessman.

Q. Isn't it--

A. In Hattiesburg.

Q. Here's an important question to ask you. [redacted]

A. [redacted]

Q. [redacted]

A. [redacted]

Q. Okay.

A. Except I assumed that they knew each other well because they were both in Hattiesburg.

Q. But you're certain that you didn't go to Carroll and say, "I know that you know Wiley Fairchild and I would like to invest with him"?

A. To the best of my recollection, I wouldn't have said that. I would have no reason to so therefore I--

Q. Okay.

A. -- I don't recall anything like that.

Q. What followed? What happened?

A. [redacted]

[redacted]

Q. What did you do?

A. I asked to him do so.

Q. Okay. And what followed?

A. Carroll, I think, made an appointment for me to see Mr. Fairchild at his office in Hattiesburg, Fairchild's office, and I think Carroll met us there, and we talked a while. [redacted] I think, if I recall correctly, he told me he helped put Carroll through law school. And he asked me why I was interested in investing and why I wanted supplemental income. And I told him about my four little girls at home and that that was the reason. [redacted] And I told him-- a[redacted]

Q. Judge--

A. Chances are they wouldn't, but I told him I understood that. But Carroll had vouched for him and told me he was very knowledgeable and I was willing to invest and take that chance of a successful investment.

Q. With your best efforts to date that meeting, what did you come up with?

A. To the best of my recollection it was the very first part-- either the latter part of '79 or probably the very first part of 1980.

Q. Is there any document that you dug out that helps us?

A. No, there's not. That's just the best I can reconstruct it and I have no documents. I didn't make any memorandum of anything like that.

Q. Do you keep a calendar?

A. No. On whom I talk to about things?

Q. Visiting--

A. No.

Q. -- visiting Wiley Fairchild, would that be--

A. Oh, no.

Q. [redacted]

A [redacted]

Q. Was the deal struck that day?

A. To the best of my recollection, it was, because I think Carroll had told me and then Mr. Fairchild confirmed it, [redacted]

Q. Did he say it at that first meeting in early '80 or late 1979?

A. I didn't understand you.

Q. Were the figures set in that first meeting, late '79 or early '80?

A. [redacted]

Q. [redacted]

A. [redacted]

Q. What was the agreement? What were the terms of the agreement?

A. That--I don't know whether it was at that meeting or one a little later, as I told you, but that investment in the three wells, it would cost approximately nine to ten thousand dollars. He might have said ninety-five hundred dollars, which eventually it was, but I'm not sure about that, and that would be the investment in the three wells.

He said they were Covington County, Mississippi, Marion County, Mississippi and Mobile County, Alabama.

Q. [redacted]

A. [redacted] And everything I knew about Mr. Fairchild at the time was what I had heard. I had heard nothing unfavorable. I heard he was a very successful businessman, which was quite apparent, so it was an agreement of trust.

I have always dealt with people in that respect, people that I knew I-- otherwise I won't deal with anyone I didn't think I could trust because I expect to be trusted and I expect to trust other people. [redacted] recommendation and assurance, plus Mr. Fairchild's success, that I proceeded. Successful, that is his successful record.

Q. Okay. Judge, let me show you what has been previously marked Grand Jury Exhibit 2. I believe there are three royalty deeds. Just run through them, if you would, and see if they reflect-- if they're copies of the three wells that you have discussed.

A. I'll compare them with the copies that I brought. (Witness looking at documents) They appear to be.

Q. Do you have copies of those royalty deeds as well, sir?

A. Yes.

Q. [redacted]

A. [redacted]

Q. Are the dates on the copies that you have similar?

A. That's correct.

Q. And what does February 25th, 1980 represent?

A. As I have been able to reconstruct it,

[redacted]

Q. Well, was that the date you went to his office and shook hands?

A. I don't know whether it was that particular day or shortly thereafter. As I said, I went a few times. But, to the best of my recollection, it was, but I'm not sure.

Q. Well, Judge, what would the other possibilities be other than the time that you visited with him and shook hands with him and agreed to--

A. I didn't understand. Excuse me?

Q. Well, what other possibilities would there be other than the time you actually visited him and consumated the deal?

A. What do you mean "other possibilties"?

Q. Well, I mean, can we say with some certainty that that's the time you met with Mr. Fairchild and cut the deal?

A. I-- it's been years ago, Mr. Weingarten, [redacted] I can just try to reconstruct and give you the best of my recollection. My memory is not that good to reach back four years ago and come up with the exact time or the exact instance.

Q. All right. If-- if-- if we're trying to ascertain what February 25th, 1980 represents, what possibility, other than a meeting, would there be?

A. Well, as I say, the best I can reconstruct it is that's the time we reached the agreement, the oral agreement, with respect to these matters.

Q. [redacted]

A. [redacted]

Q. What would have caused the delay?

A. I didn't understand you.

Q. What would have caused the delay?

A. Well, the delay in what?

Q. Well, what happened after you cut the deal in February 1980?

A. Well, this is the first time any instruments were delivered to me confirming that deal, any written instruments.

Q. I suppose by the deal you obligated yourself to pay money to Wiley Fairchild?

A. Well, I-- I agreed to it. Of course, under Mississippi law, until something is put in writing with respect to the conveyance of land, until it's in writing, it's not legally binding on any party. But I considered it a gentleman's agreement back in the early part of 1980, but there was no formalization of the agreement or legalization or finality until the written instruments were actually delivered to me.

Q. And when would that have been?

A. The first part of 1981, sometime in 1981.

Q. How are you able to tell that? How do you know that?

A. I know it for several reasons. First of all, I know when I made the payments that I was supposed to make. And I have the canceled checks here--

Q. When?

A. -- to show and-- and-- let me finish, please. Is it all right?

Q. Sure.

A. I don't want to interrupt you or be

rude to you.

Q. Sure.

A. And also these deeds were set for recordation in the counties in which the land was located, to be put on public records in the Chancery Clerk's Office of those counties, pursuant to my request, by Carroll Ingram. And they were sent in April of 1981 for recordation and were recorded of record in those counties. And I do know that I had asked Carroll Ingram to do that for me some few months before that time to the best of my recolleciton.

Q. Well, were they all--

A. So I think it was the first part of 1981 but I can't say what specific date.

Q. Well, then, is it your testimony that you cut the deal in early '80 and it never became effective until early '81?

A. [redacted] But under Missisisppi law, until it's put in writing, a land conveyance in Mississippi, it's not binding on either party. It's not legally binding in any way and no one can enforce it. An oral promise to sell an interest in land or interst in overriding royalty interest in property needs to be in writing before it's effective under what is called the Statute of Frauds of Mississippi.

Q. What happened in the year between the gentleman's agreement and the time it became effective?

A. I was waiting to hear something. [redacted] So, consequently, since he was the one that was trying to put me into the deal, I wasn't going to try to push him

Q. [redacted]

A. [redacted] They were

delivered to me already dated and already filled out and I signed the notes. The notes were dated the same date. Apparently, the best of my recollection, I mean the best guess I have is that they were done that time because that was the time that the gentleman's agreement had been entered into.

Q. But you--

A. That's not unusual for business transactions.

Q. But by that-- by that note you obligated yourself to pay interest on a deal that didn't exist for a year?

A. That's correct. And I certanly did that and I agreed to pay the ninety-five hundred dollars and I was certainly not going to quibble over interest for a year's time because I felt it was a gentleman's agreement when we entered into to it. And, actually, I thought I had paid interest on that until I just reconstructed all this after-- recently, after you and I had talked, and found out that anytime-- that when we called up, [redacted]

19[redacted] I thought I had paid it from 1980.

Q. What date was the interest computed from?

A. I don't know exactly. Here's the way we would do it. When the time-- when I wanted to pay a note, pay on the notes, that is, I would have my secretary, or maybe one time my CPA, who is now deceased, Charles Logan, call Fairchild Construction. And when I wanted to pay a certain amount of money, I'd find out what the interest was to that date and pay the difference in principal. If I wanted to pay, say, fifteen hundred dollars, I'd find out what-- ask them what the interest was, to compute it for us to the date of that payment, and I would pay that, plus the principal, in that total amount of fifteen hundred dollars.

Q. [redacted]

A. To the best of my recollection. I didn't get down and compute it but I believe that that's correct. I can't be positive about it but I believe somewhere they-- I was charged interest from somewhere in 1981. But, all I know is we would call Fairchild Construction to find out the amount of interest due at that time, whenever I made a payment, and I think I made-- I think I paid each of these notes and I paid them by canceled checks which I have the originals of--

Q. Judge, did you bring those documents to the grand jury?

A. -- and-- and three different times, three different payments: two in 1982 and the final one's in 1983.

Q. And just so we're clear, can I see what you brought?

A. Yes, you may.

Q. Thank you.

A. You're welcome.

Q. Have you computed these figures to determine that it was February 25, 1981, that was the starting date?

A. No, I didn't. I didn't myself.

Q. Was that the result of somebody else's work?

A. Yes.

Q. So, [redacted]

A. I don't know that they were back dated a year. They were dated by whoever prepared them apparently to reflect the time that we had the gentleman's agreement with respect to the matter, the oral agreement.

[redacted]

Q. So February 25, 1980 represents a year before the documents were actually delivered to you?

A. Approximately, yes.

Q. Well, if you--

A. I assume they were delivered in February of '81. They were delivered sometime in the first part of '81, I don't know exactly what time.

Q. I'm just figuring from the time they computed intereest, so it must be roughly that time?

A. I don't-- somewhere in the first part of 1981.

Q. [redacted]

A. To the best of my recollection, that's not what happened. I have--

Q. I mean, is it possible? Understanding it's a long time ago, understanding you have a lot of transactions, is it possible that you met with Fairchild in February of '81, reached this agreement, and someone other than you back dated these notes to February '80?

A. Best of-- I have answered your question to the best of my recoll-- I have told you what I can best recollect four years later, over four years later. That's all I can do.

Q. And that would be that the initial conversations and initial deal was cut in February '80?

A. Sometime around that time. I can't say it was that exact date because I didn't make a notation of it. I assume it was around that time when I-- when the-- because of the dates that's on the instruments that were delivered to me by Fairchild as I understand it. I-- I don't know would who prepared the instruments but I would assume that Mr. Fairchild's office did and I think they were delivered to Carroll Ingram, who prepared the notes, as best I can understand it.

to correspond with the-- with the instruments. And Carroll Ingram delivered them to me, I think at my office in the Federal Building in Biloxi, in the first part of '81. What date, I don't recall.

Q. Is it possible, and I don't want to be repetitive but it's an important point. Is it possible that you only reached the agreement with Wiley Fairchild in February of '81?

A. I have already answered your question and gave you my best recollection based on what I can reconstruct from over four years later.

Q. Well, can you be mistaken on your recollection?

A. Well, I guess anybody can be mistaken about anything when you're trying to reconstruct and recall to the best your recollection.

Q. Okay, as-- from the best of your recollection, what caused the delay, the year delay, in your receiving the papers?

A. I don't know.

Q. Have you discussed this with either Ingram or Fairchild?

A. No. I was-- I was happy to get the instruments. The way the transactions turned out, two of the wells turned out good and one of them turned out not good at all.

Q. [redacted]

A. [redacted] called Carroll Ingram, after we had our discussion, as I indicated to you and Mr. Whitespan (phonetic) that I was going to do, and did, and called others to find out what this was all about and talked to them about it. And I don't think Carroll Ingram-- I didn't ask him, there was no reason to ask him at that time, because, as I told you, when I had inquired earlier of him why the instruments hadn't been forthcoming, he told me what I told you he did. That Mr. Fairchild was the kind of person that couldn't be pushed, he would do it in his own sweet time and there was nothing else he could do.

Q. Do you know whose decision it was to put February 25th, 1980 on those documents?

A. No. No, I don't. I do know whose it wasn't: it wasn't mine. I didn't do it and didn't have anything to do with it.

Q. Did you protest that date in any way?

A. No, I didn't. I didn't for the reason I told you.

Q. And Ingram-- neither Ingram or Fairchild ever made an explanation to you later as to either what caused the delay or why it was back dated?

A. Didn't ask for any-- I didn't have to, Ingram had already told me what I told you two or three times.

Q. When you--

A. And I do know this. Now, let's get-- I do know that I paid for these-- paid these notes, and I paid them by these original checks that I have, and made three payments. In March of 1962--'82, rather, made the first payment, principal and interest, 10% interest as provided by-- in the note. I made the second payment in September of 1982, and that paid off one of them. And the other two were finally paid in March of 1983. One of them was paid a couple months early, three or four months, one of them, and the other two were finally paid about a month late. And here's--

Q. What triggered-- what prompted--

A. --here's the checks if you want to see them (indicating). And here's the recapitulation on what was paid, interest and principal (indicating). Here are the original checks sent to me-- sent by me, signed by me, endorsed with Deposit, W. R. Fairchild Construction Company.

And I have the notes marked Paid in Full dated, two of them, March 7, 1983, and one September 16, 1982, all here, by, it says, W. R. Fairchild Construction Company by R. L. Jarvis, Jr., paid in full, all three of them.

Q. Do you want--

A. I've given you copies of these before, I think, haven't I?

Q. No, not the checks. Do you want those to be part of the grand jury record? You want us to make copies? What do want us do with the copies?

A. All right, fine.

Q. What's your preference?

A. You may have them. I would like the originals back if I may, any originals of anything that I give, for my files, but you may make copies and substitute them if it's all right.

Q. Whatever you want to give the grand jury as exhibits, we'll be happy to--

A. Here are the checks (indiating) and

here's a recapitulation on what I paid on each of the three wells, the canceled checks. Here (indicating) are the three notes marked Paid, W. R.-- Paid in Full, W. R. Fairchild Construction, R. L. Jarvis, Junior.

Q. [redacted] you recall?

A. [redacted]

Q. All right, then--

A. And, also, of course, let me say this to you. That, as I recall, I started getting some royalty interests, in 1982, from these wells, which gave me a little money that I could pay. I think it was in the first part of '82, I think around March of '82. And I had a little money that I could make payments on these notes with and I paid as we went along to save interest and also I wanted to pay as I could while I had the money in the bank.

Q. [redacted]

A. [redacted]

[redacted] There were no-- I didn't have to make periodic payments. I had until 1983, I think it was February of 1983-- it's reflected in the notes there-- I mean of '83. But, as I got some money from these royalty interests, I did make periodic payments, two of them, before I paid them in full.

Q. The terms of the note, when were they arrived at? Would it be back in February '80 or would it have been February '81?

A. [redacted]

Q. So it's your testimony that that was-- that agreement was reached originally?

A. Sometime back there to the best of my recollection. I don't know that it was the specific time at that time but the general agreement. But whether we agreed on a date certain for the payment at that time or whether that was in the notes when I received them, I don't recall. But, nevertheless, there's the-- there are the notes and they tell when the payments were due, and they were paid.

Q. You are familiar with financial disclosure statements that all federal judges in the United States, all congressmen and many, many executive officials need to fill out?

A. Certainly.

Q. Okay.

Q. And it's a law called Ethics in Government Act that prompted this required disclosure, and it started back, I think, in '78; is that a fair statement?

A. I think so, to the best of my recollection.

Q. Do you recall, without showing the documents, when the Fairchild oil leases were first reported by you?

A. Yes. They were reported in my financial disclosure statement for the year 1981, that is the one that was filed in May of 1982, reflecting the transactions for the year 1981. They are due every May, I think it is, of each year, for the previous calendar year. In other words, 1981 was due in May of 1982. All 1980 transactions were reported-- had to be reported in financial-- in May of 1981. So you'd have until May of the following-- just like you have for filing your federal income tax, April of the following year for the prior calendar year.

Q. So it's perfectly clear, when you filled out your statement in May '81, for the year 1980, you did not include the Fairchild leases but you included them when you filled out your document in May '82--

A. That's--.

Q. -- for the year 1981?

A. That is absolutely correct. And the reason I didn't is because there was no legally binding agreement entered into prior to the first part of '81 between Mr. Fairchild and me. It was not binding on any party because it was an oral gentleman's agreement. The legally binding agreement, as I want to repeat, was entered into in 1981. And that's when I reported, in May of 1982, that agreement for 1981. I disclosed that it was done in 1981, which is the truth. That's when the agreement was formalized and legally binding. And if I'd wanted to report it in 1980, of course, I could have reported it in May of 1981, if it would have been an '80 transaction, because obviously the deeds had even been filed for record in April of 1981, which was a month before the financial disclosure statement was due in May 1981 for the year 1980--

Q. Judge--

A. --but there was no transaction legally binding in 1980 so I couldn't report it for that year. I had to report it for the year of 1981 on my finaicial disclosure statement which was filed in 19--May of 1982, so I reported the transaction as a 1981 transaction, which it was.

Q. Judge, in all the documents that you brought, is there any paper that reflects when in 1981 the deal became effective?

A. You mean the financial disclosure statement?

Q. No. In all of the doucments you reviewed and in all the documents you brought to the court, is there anywhere a doucment that reflects when in '81 the deal actually became legally effective?

A. I have none, Mr. Weingarten.

Q. I think you told me before that it was your accountant that actually filled out the financial disclosure statement or assisted you or went through your files?

A. That's correct.

Q. Do you have any idea what document he would have relied upon to figure out that it was a 1981 transaction as opposed to a 1980 transaction?

A. Well, the only thing that I can think is this. We did not report any because there was no written transaction in 1980, and of course no transaction was reported for the year 1980 in the disclosure statement filed in May of 1981.

We didn't contend there was, never claimed there was, and don't claim there was now, a written agreement, a legally binding agreement. So we didn't disclose it May of 1981 for the year 1980 because there was none. So my only supposition is that when he saw the-- in the financial file that we furnished him to make all these reports, when he saw these notes and copies of deeds in the file dated February of 1980, which was the date on them, he apparently thought it should have been '81 and reported that as the date in our disclosure statement of May 1982. I wish he were here so I could ask him, but he died of a-- suddenly of a heart attack-- he was in his forties and he died, as I recall, in the fall of 1982. He dropped dead.

Q. Judge, in the negotiations with Wiley Fairchild, do you ever recall asking or demanding that more acreage be applied by him to you?

A. No.

Q. Was it sort of a take-it-or-leave-it deal, him presenting you with an option and you just saying yes, or was there actual negotiations gcing on?

A. No.

Q. Which one?

A. [redacted] And he said, "I've asked you why you want to do this." He said, "I've got a great deal of income and I'm a relatively wealthy man." He said, "I think it's a real fine thing for someone to want to do this for his children's benefit, to try to increase his income," said, "I like that." And he said, "I'm going to help you if I can." He said, "It's a gamble, as anything is in the oil and gas business." He said, "I think they're good wells but I can't guarantee them."

I said, "I understand that right up front and I'm willing to take the chance based on Carrol's vouching for you and your reputation as a real good businessman and apparently real good in the oil and gas business," been very successful, Carroll had told me, and he verified that. As I said, before that, I didn't even know he was in that. I knew he was in road construction.

Q. Judge, the-- it seems perfectly clear from your testimony and from the documents that the deal became effective legally in early '81.

A. The best of my recollection, that's correct.

Q. And everything--

A. Because the instruments were filed for record in April of 1981, as I disclosed on my financial disclosure statement that was filed in 1980. First, I didn't disclose, on the '81 statement, any financial-- any deal made in 1980, so it had to be in 1981, which I disclosed on my

1982. That's the report filed in May of 1982.

Q. And that reflects, and every document, I think, in your portfolio reflects, that the deal became effective in early '81, everything relating to the deal took place after early '81. An important question, and can you help the grand jury in anyway, what--

A. I didn't understand your question.

Q. I didn't get to it.

A. The preface. I didn't follow it.

Q. Maybe I can break it down.

A. By the way, would you please return these other documents that I loaned you so I may refer to them.

Q. Oh, sure. (Handing documents to witness.)

A. Thank you. All right.

Q. The point is this, Judge. It appears from your testimony, from the documents, that the transfer became effective in early '81, legally effective, practically effective. I mean, is that a fair statement?

A. I think I have stated that to the best of my recollection, Mr. Weingarten. This is several years later. I'm trying-- I tried to reconstruct this, I gave it all the best thought I could after you and I discussed this matter in April of this year, and that was the first time I had been asked about it, ever. And I have done my best to reconstruct it and bring in all those documents voluntarily, and I'm giving it to you and to the grand jury, and that's the best of my recollection.

Q. Can you help the grand jury in any way in testifying as to what Wiley Fairchild and/or Carroll Ingram may have had in mind when they back dated the deeds a year?

A. Well, you say "when they back dated." They're apparently dated at the time that Mr. Fairchild and I had the gentleman's agreement, or about that time.

Q. You paid interest--

A. I don't know that they were back dated, but that is something that you would have to ask them, Mr. Weingarten. I had nothing to do with the dating of the instruments and I can't read their minds.

Q. Well, understanding that--

A. It would be pure supposition and guesswork, what they had in mind.

Q. Well, could it be a coincidence that it was exactly a year before that that you had your conversation with Wiley Fairchild when the deal was cut? I mean, if interest is computed back to February 25th, 1981, that appears to be the time when the deal became effective.

A. Well, I don't know that it was February 25th, 1981. I said the first part of 1981. I don't know what day we actually-- it was actually signed. That was the date on the instrument, apparently, the February 25th, 1980, not '81. All I said was that sometime in the first part of '81, prior to April, when the instruments were actually sent for recordation, we know they'd already been executed then because I had them-- I had Carroll Ingram record them for me in the public records of these counties in April of 1981. So I knew it was a short-- a while before that that they were sent for recordation-- I mean that I had given them to Carroll Ingram to send for recordation. I don't know how long he held them.

Q. Maybe I misunderstood your previous testimony. I thought you had said that the Fairchild establishment or concern computed interest back to February 25, 1981.

A. I didn't say that. I said when we asked them to compute the interest, they computed it and gave us the figure. To the best of my recollection they computed it from sometime in 1981. I don't know exactly what date. I can't tell you it was February the 25th because obviously there was never a February 25, 1981 instrument. It was sometime in the first part of 1981 is all I can tell you. And the instruments had this other date and it was apparently around the time that Mr. Fairchild and I had the handshake and gentleman's agreement about it. They didn't become effective until sometime in the first part of 1981 to the best of my recollection.

Q. [redacted]

A. Mr. Bill Goodman, who has been assisting me in this matter. I think he might have had someone compute it.

Q. You had mentioned in your testimony that one of the wells was, I think, not so good and two wells were good?

A. Yes.

Q. Do you have any document there that

reflects what the output has been for those wells?

A. You mean in dollars?

Q. Yes.

A. Yes, I do.

Q. Would you just report to the grand jury what has been the net thus far on those wells?

A. I have computed it as of April 19-- 1984, this year. Two in May and one in April.

The one in Mobile County, the gross payment on it was over a peiod of months, was approximately twenty-five thousand dollars.

Q. When did the payments start?

A. I think they started in about March of '82, or somewhere in that neighborhood. On that one, maybe later. I think maybe September or October of 1982. And on the other, the Rogers well in Marion County, approximately twenty thousand dollars, twenty-one thousand dollars, May of '84. Of course, that's not counting what I had invested in them. You'd have to subtract that.

And, of course, what I did invest in them was money that I invested after taxes, after tax money, and these incomes would be subject to taxes of course. This is just gross.

In the Covington County tranascaction,

I have gotten twelve hundred and sixty dollars back as of May-- April of 1983. Less than the investment in it. And I don't know whether it will ever pay back or not.

Q. Is this oil or gas?

A. Gas.

Q. These are all gas wells?

A. Yes.

Q. When you purchase an interest, is it in perpetuity or do you get it for a period of time? Do you know?

A. I-- I guess it's as long as they produce and there's a market for it, I would guess. Nobody knows how long any of these things produce. I certainly don't.

Q. When you invested--

A. [redacted] they are now.

Q. [redacted]

A. [redacted]

Q. Are you knowlegeable in the gas business or the oil business?

A. No.

Q. Were you a complete novice?

A. When I was in-- when I was practicing law some, I guess some 18 years ago, I invested in a few little wells. And one of them I think was supposed to be a producer, but what I paid out every month in expenses, I think, just about exceeded the income so it was really costing me to own an interest in that producing well.

Q. So you base--

A. And I did invest in some since that, this transaction, of course.

Q. At the time of the initial investment with Fairchild you were relying on his reputation as you testified? And Carroll?

A. And Carroll Ingram's vouching for him, yes.

Q. Do you have any other records that you brought that are relevant to the grand jury's inquiry?

A. I don't know what records you're talking about.

Q. Well, did you bring anything else you want to make a part of the record?

A. I brought everything that you asked us to bring.

Q. Could we go through those documents?

A. Yes. I brought the checks, I brought the promissory notes, and I brought the deeds. And I brought the recapitulation on what our income was. That's-- you didn't ask for that latter. I just brought it and tried to figure it out myself to give you whatever information I had.

Q. Is it--

A. I brought everything with me that you asked for on it.

Q. Okay. Is it your wish that we take these documents, copy them, and give you the originals back?

A. I think I've given them to you. Yes, these (indicting). Yes, yes.

Q. Those documents in that (indicating) file?

A. Oh, the documents you asked me to bring?

Q. Yes. Shall I relieve you of them now or--

A. You may. And of course you have the prom-- you have these (indicating), but I will give them to you, with Mr. Ingram's letter of April 3, 1981, to the various chancery clerks asking them to record these instruments in their public records pursuant to my request.

Q. Were they all actually filed in April of '81?

A. I have no way of telling you that. I assume they were because those cover letters to the various clerks--

Q. Make such request?

A. --makes such a request and I would assume they have been. And it was not necessary to record them for them to be legally binding, but I put them on public record because I wanted to because I believe in putting in public record what-- what transactions I enter into.

Q. What legal effect would making them of record-- what legal effect would there be?

A. Notice to anyone.

Q. So you would have priority if anybody made a claim?

A. They were legally binding once they were executed and delivered. They need not be recorded to be legally binding once they were delivered in writing.

Q. All right.

A. But I did that because I wanted to have them recorded of public record.

Q. Judge, as I discussed with you when we last met, of interest in this investigation is the drug case involving Wiley Fairchild's son. And I would like to ask you a few questions about that.

A. Be very happy to answer what I can.

Q. The grand jury has heard evidence that in August 1980 a plane landed, loaded with marijuana, at the Hattiesburg airport and that subsequent investigation caused law enforcement authorities to conclude that Drew Fairchild, the manager of that airport, played a part in that smuggling effort.

A. You told me that in our first interview in April of 1980-- 1984, this year.

Q. Right. When was the first time you became aware of that case?

A. I told you, and I'm repeating it, to the best of my recollection, I believe-- I don't know whether I read about it in the newspaper or heard about it or some-- or heard it on TV. There was some criticism of the state's handling of that case in state court, by the news media. And I don't know when that was but I would assume it was just a couple of years ago.

Q. Okay. The grand jury has heard

evidence that some of the people arrested at the scene were prosecuted federally and pled guilty and were sentenced, I believe, by Judge Cox-- not by you, by Judge Cox-- in federal district court in February of 1981. Would you have any knowledge of the progress of that case as it happened?

A. No, none whatsoever.

Q. Where does Judge Cox sit?

A. Judge Cox sits where he wants to sit. He sits in Jackson, Hattiesburg, Meridian, Biloxi and Vicksburg.

Q. And obviously--

A. I don't mean to be funny, but he's kind of like the 800 pound gorilla: he sits and does-- where he wants to and kind of does what he wants to.

Q. But it's your testimony that whatever happened in his court, vis-a-vis this case, was unbeknownst to you?

A. Absoutely. And if you have any information to the contrary, I would like you to tell me and the grand jury now because I would like to ask.

Q. Well, obviously--

A. Because there is none.

Q. If you testify, Judge, that you didn't know, we'll accept your testimony.

A. Thank you. So we have that understanding.

Q. Eventually the case was indicted by the state. The grand jury's heard evidence to that effect. You testified that somehow, some way, there was some criticism of the way the state handled the case?

A. That's my best recollection.

Q. And your source of that information?

A. My what?

Q. Your source of that information?

A. As I've told you awhile ago, I either read something about it in the newspaper or heard something about it on TV or someone told me they had read something about or heard something about it, I don't recall.

Q. The grand jury has heard evidence that the prosecutor, the state prosecutor, who eventually handled the case was an individual named Bud Holmes. Is he a friend of yours?

A. Very good friend of mine, long time friend, yes.

Q. Did he ever discuss the Drew Fairchild case with you?

A. No, not to the best of my recollection. I think I would recall if he had.

Q. Was the criticism directed--

A. And as you now, Mr. Weingarten, the federal government has nothing to do with a state court prosecution. Federal courts can't even interfer with an ongoing state criminal case under the law, with one very narrow exception of bad faith as during the civil rights cases, problems, in Mississippi. The federal courts are prohibited, even if we were asked by properly filed proceeding, from interferring in any way or having any input or say so with reference to any state court--ongoing state court criminal action.

Do you agree with me or not? You're a good lawyer, I'm sure.

Q. Judge, I'm sure you can appreciate in a grand jury it's best to proceed with the prosecutor asking the questions.

A. Well, I understand. I'm not trying to be smart with you and I'm not trying to turn around and ask the questions, but I think the grand jury has a right to know what the law is as well as the facts.

Q. You understand that the United States has a--

A. I'm not arguing with you.

Q. -- responsibility to provide the grand jury with all relevant law and facts.

A. All right.

Q. We take that responsibility very seriously.

A. I know, I don't question that. That's why I asked you, in all sincerity, if you know that under the Younger versus Harris doctrine of the United States Supreme Court that that is the law. If you don't want to answer it, I'm sorry. I'm sorry I asked it, go ahead.

Q. Judge, was the criticism that you read about or heard about directed at Bud Holmes' handling of the Drew Fairchild case?

A. To the best of my recollection, it was.

Q. And what was the nature of the criticism?

A. I don't recall precisely but I think it related to the delay or that-- or somethng to that effect. I don't-- I don't recall. It didn't give much detail about it--

Q. All right.

A. -- if I remember correctly. And I think I either read-- I think I read it in a newspaper. I think that's where I saw it. And whether it was Hattiesburg or Jackson Clarion Ledger, I don't recall.

Q. So we're just perfectly clear, that information did not come to you from Bud Holmes?

A. That's correct.

Q. Did Wiley Fairchild ever discuss the case with you?

A. No, not to the best of my recollection. I think I would recall that if he had, believe me, but I don't recall that he ever did.

Q. And accepting your answer as you state it, I need to ask the follow-up questions.

A. Very well.

Q. Did Wiley Fairchild ever ask you to do anything vis-a-vis his son's case?

A. Absolutely not.

Q. Did anyone on behalf of Wiley Fairchild ever ask you to do anything on behalf of his son's case?

A. Emphatically not.

Q. Did the U. S. Attorney in Jackson, Mississippi, or any of his subordinates, ever ask you or talk to you about the Wiley Firchild case--excuse me, the Drew Fairchild case?

A. No, not-- not before all this came up, when I asked them what this was all about. And, Mr. Weingarten, let me say this to you, and I think the grand jury should know this.

First of all, a federal judge has no authority, no power, no say-so, in who is or who is not prosecuted in federal court. That is the Department of Justice decision, your people you work for, either directly from Washington or through the United States Attorney's Office. They have the sole authority to decide whether to proceed against someone criminally in federal court or not. A federal judge has no say-so at all about that. Certainly he can't institute the action. That's up to the Department of Justice. And certainly he can't interfer with it. That's been-- that's been determined when Judge Cox and former U.S. Attorney Robert Hauberg had a confrontation some many years ago, I think either right before or right after I went on the bench. And that was decided by the Fifth Circuit Court of Appeals, but, and of course, it was good law, good clear law.

But the Department of Justice has the sole discretion and responsibility and authority whether to indict somebody or charge them and proceed against them in federal court. The federal judge has no such authority, and I think we both know that. I'm not going to embarrass you by asking you if you agree with me because I don't want to look like I'm questioning you. But the grand jury should know that. Many people don't know that.

Q. Let me-- maybe this will help. I assure you, Judge, at the end of the questioning, you'll have an opportunity to say whatever you want to say about it.

A. I understand, I'm trying to explain my answer. And if you disagree with me or disagree with what I'm stating, that about the law and the power and the authority of a federal judge and of the federal prosecutor, please say so and disagree with me because I don't want to give the grand jury any misleading or false information.

Q. Actually, I think it would be fruitful if we-- if I confine my questions to asking factual questions.

A. All right, go ahead.

Q. I'm not even sure if the last question was answered. I'll ask it again.

A. All right.

Q. Did anyone from the U. S. Attorney's Office discuss the Drew Fairchild case with you prior to the August '81 indictment?

A. Absolutely not.

Q. Were you alone with Wiley Fairchild in his office?

A. Yes.

Q. On how many occasions?

A. I don't know. More than once, discussing the gas interests.

Q. Carroll Ingram would not have been present on those occasions?

A. No. Sometimes Carroll was present, at least once, maybe twice, but I have talked to Mr. Fairchild separately, yes.

Q. So to place the events in context, would any of those meetings with Mr. Fairchild have taken place in 1981?

A. I don't recall. I wish I could tell you, honestly, but--

Q. Well when did--

A. -- if there were any in 1981 or not.

That's over three years ago. I had several meetings as I told you.

Q. When would the most recent one have been?

A. In his office? I don't know, but it's been many months ago. And that's the only time I've ever met with him. I've talked with him on the phone but that's-- a couple of times about this. And especially one time, when the production dropped in half, I wanted to know what happened and he said something about the gas supply, that the supply, that is the demands or the curtailment or something was what caused it. But that's been months ago, many months.

Q. Was that a telephone conversation or a meeting?

A. Telephone conversation.

Q. The last meeting would have been-- was there a meeting after the effective date of the transfer?

A. Not to my best recollection, but I couldn't honestly tell you that one way or the other and I wouldn't want to deceive anyone or give a false answer.

Q. Your best recollection is the meetings took place before?

A. (No reply)

Q. You don't know?

A. I know-- I know some of them did. Whether any took place after that, I don't recall. This has been over three and a half years or four years ago, Mr. Weingarten. I had no reason to make a notation of the dates of these meetings.

Q. February 1980, the deal is cut, what would have caused you to meet with Wiley Fairchild again before the effective date of the transfer?

A. I don't know of any reason. That's why I doubt that I did, but I--

Q. I don't mean to be obtruse but--

A. You're not.

Q. --how many meetings are we talking about?

A. All together?

Q. Yes.

A. I don't know, there was more than-- more than two. I don't think there was as many as five or four.

Q. Just--

A. Somewhere in that neighborhood. I'd say two to five, probably.

Q. If the first meeting--

A. That's my best guess.

Q. If the first meeting produced the deal, what would the other meetings have been for?

A. I met with him several times. One time he told me that he thought he was over-- maybe overcharging me for these and would maybe put me in another later. He mentioned something about the name of a well was-- I don't know, remember when this was-- it had something to do with the name School in the property. But he never did and there never was any mention of it.

And, as I say, I don't know of any reason I would have met with him after the transaction was finalized in the first part of 1981, but I can't say for sure. It's possible.

You're asking me about-- I-- I don't like to keep repeating it-- but three or four years ago, and I'm trying to reconstruct this to the best of my recollection and knowledge.

Q. Did he ever visit with you in your chambers in Biloxi?

A. No.

Q. The meetings would have taken place here in Hattiesburg?

A. That's correct.

Q. Typically, what would have triggered the meetings? Would you be in town on your way to--

A. Sometimes, or may-- I think the first time I just came to see him when Carroll called me. And sometimes maybe I might have been passing through going to Jackson to hold court. I don't know, I don't recall that.

Q. Just to sum up, Judge, the-- is it fair to say that the effective date of the transfer was February 1981, or around there?

A. The formalization of the agreement, that is putting it in writing and making it binding, was somewhere in the first part-- the best of my recollection-- of 1981 because the written instruments were sent by Carroll Ingram, pursuant to my request, for recordation in April 1981. You have them before you there.

Q. Okay. I just--

A. So, consequently, it was either late-- I would assume the first part of '81 or somewhere in there.

Q. And it's your testimony that a gentleman's agreement was reached a year earlier, or approximately?

A. I've already told you that.

Q. We're summing up, summing up. Is that a fair statement?

A. Yes. I don't know it's a year to the date but approximately. It was a long time before. Let me put it that way.

Q. And do you know--

A. I would assume it was the first part of '80, could have been the last part of '79, but I-- that's the best recollection I have of it at this late date in 1984.

Q. And it's your testimony that you had nothing whatever to do with the placement of the February 25th, 1980 date on the documents?

A. That's correct.

MR. WEINGARTEN:

Mr. Richter?

THE WITNESS:

May I have a little water, please?

MR. WEINGARTEN:

Sure. Why don't we take-- is there water up there?

THE WITNESS:

I don't know. I can go on, that's all

right.

MR. WENGARTEN:

We can take a break.

THE WITNESS:

That's all right. Go ahead. It will delay this.

EXAMINATION

BY MR. RICHTER:

Q. Now, Judge Nixon, based on your financial-- I guess you set the effective date of the transaction as 1981 based on your financial disclosure form and when the deeds were filed; is that correct?

A. Well, and the fact that I know that we had talked about it and agreed on the gentleman's agreement some many months before. So that's-- that's why I can best reconstruct it.

We're going over the same thing time after time. I don't mean to be obtruse, either, but I don't know how many times you want me to answer the question.

Q. Just answer the question is all we want. Basically, when these deeds say February 25th, 1980, it's your testimony that they were probably drafted in 1981 and back dated to reflect the gentleman's agreement?

A. I don't-- you said back dated. I said my best guess would be that they were dated at that time, by whoever prepared them, apparently Mr. Fairchild--

Q. In 1981--

A. -- to reflect the approximate time that we had the gentleman's agreement.

Q. Well, the dates don't say that the transaction took place in '80. It says that's when they're signed. Isn't that right? In other words, the dates on these documents aren't the date of the transaction, they're the date of the signature?

A. They speak for themselves, and yes.

Q. Well, is this (indicating) the promissory note that you signed?

A. Yes.

Q. What is the line--

A. It says witness execution the 25th day of February 1980, yes.

Q. What does that mean to you: Witness execution hereof this 25th day of February 1980?

A. Well, just what it says.

Q. It means it's signed on 1980. Right?

A. Right. But if I was trying to contend that these instruments were signed in 1980, I could have reported this on my May 1981 financial disclosure statement because these instruments were filed for record a month before it was due. I reported them-- I never attempted to report them or make anyone believe that these instruments were executed in 1980 because on my financial disclosure statement for 1982, filed in May 1982, and which is now-- I hope the grand jury has them-- I reported these transactions to be 1981 transactions. And there (indicating) they are.

Q. Well, the point of the matter is if there was an effort to-- made to show that this transaction took place in 1980, even though the papers were signed and prepared in 1981, couldn't the papers have been drafted to reflect that the agreement took place in 1980 but then the signature line be honestly filled out saying that signature this 25th day February 1981?

A. I didn't prepare the instruments and I never led anybody to believe or tried to lead anyone to believe that they were prepared other than 1980-- were executed anytime other than 1981, and that's reflected on my public financial disclosure statement now before the grand jury. At no time did I ever report to anyone or attempt to tell anyone that they were executed in 1980.

Q. Except where you signed your name and it said "executed 1980"?

A. You have my financial disclosure statement.

Q. Sir, did you sign this promissory note as it said it was signed? I mean it doesn't say the transaction's effective 1980, it says signed 1980.

A. I told you I signed that and I've told you why the-- apparently Mr. Ingram put the date on to conform with what Mr. Fairchild put on the instrument, to reflect the date on which the gentleman's agreement was reached. Now you--

Q. Did you or did you not want these documents to accurately reflect the date of the signing and the date of the transaction?

A. There was no particular significance to me at that time except Mr. Fairchild apparently chose to put the date the gentleman's agreement was reached and I was willing to pay the interest. You have my financial disclosure statement--

Q. You--

A. Wait just a minute, let me finish. In my May 1981 financial disclosure statement, filed for the year 1980, is there anything on there stating that these instruments were executed or signed in 1980? No. They are not reflected. In my financial disclosure statement, my public sworn statement that is filed and of record and notice to the public filed in May of 1982 it reflects that these instruments were executed in 1981. So why would you think that I wanted someone to believe they were done in 1980 when I disclosed on my statement filed 1982, long before any of this ever came up, that these were instruments and transactions in 1981?

Q. Well, that's the question, Judge: why would anyone want to date these to show 1980--

A. You have to ask--

Q. -- to show they were signed--

A. You have to ask the preparer. And that's my only-- my best surmise as to why they did it.

Q. Well, you, as a federal judge, when you sign something, it says witness execution hereof this 25th day of February 1980, and it's 1981, that didn't trouble you?

A. What is the significance of the date 1980 and 1981?

Q. Well, what's the significance of signing it?

A. I asked you: what's the significance?

Q. Sir, I don't answer the questions. I'm not under oath here.

The-- what is the significance of the date on the signature line?

A. I have already been over that several times with Mr. Weingarten.

Q. Well, does this date here reflect the date of the transaction or the date of the signature?

A. It reflects, apparently-- apparently reflects the time or about the time that the gentleman's agreement was entered into and this was formalized by signing the instrument.

Q. As a lawyer and a judge--

A. Mr. Fairchild apparently dated it that day and I honored it. I never tried to tell anyone it was a 1980 transaction. But what's the significance of whether it was '80 or '81?

Q. I believe you testified that between February 1980--

A. Because-- and I understand what Mr. Weingarten told me earlier because is was, he said, the significance, when I asked him that question, was that there was a drug bust in August of 1980. Well, I don't know what significance that has as far as I'm concerned because I have had nothing official or unofficial to do with the Drew Fairchild case or any of the other parties involved either in federal or state court.

Q. You finished?

A. Yes, for now.

Q. In late 1980 and early 1981, how many federal judges were hearing criminal cases in the Southern District of Mississippi?

A. Well, regular judges in active service in this district-- I say regular judges, we didn't have senior judges at the time, I don't think-- there were three.

Q. So, what is the probability, that if someone's indicted in federal court, of their case coming to you--

A. Well, that's--

Q. -- at that point in time?

A. That's all done by lot and drawing of numbers, but no federal case can come to a federal

Q. And--

A. But there was never any federal charges filed by the Justice Department against Fairchild in federal court.

Q. Sir, you've stated that. That's not my question.

A. All right.

Q. Is it not true that lawyers have ways of getting at least one of the other judges disqualified from cases by retaining various law firms, that lawyers are able to increase their odds of getting a case in front of one judge or another?

A. Well, let me say this to you, sir. That may be possible in some places, but I have more faith and more trust in the lawyers practicing law in the Southern District of Mississippi than to charge them with such a devious and deceptive practice.

Q. Now, sir, once a criminal defendant is convicted in federal court, who has total discretion over the sentence that that individual would recieve?

A. (No response.)

Q. Is that a hard question?

A. No.

Q. What's the answer?

A. You mean who sentences them? We all know the judge sentences someone who's convicted if he's indicted, if his case is presented by the Justice Department, the U.S. Attorney or directly from Washington. But if it's not, no one sentences him because he's never tried, he's never charged in federal court.

Q. So if a person--

A. And Drew Fairchild was never charged in federal court. And that was up to the Justice Department to decide either directly or through the U.S. Attorney, and apparently they chose not to do so. So if you want to know why that was not done, ask your department. I don't know.

Q. Sir, if Drew Fairchild had been indicted and had his case been assigned to you, and had he been convicted, okay? Who would had total discretion over his sentence?

A. If--Mr. Richter, if an elephant had wings, he could fly, maybe. But we're-- I thought we were dealing in facts here, not if this and if that and--

Q. Sir, I want the jury to understand--

A. -- that never took place--

Q. I want the jury to understand, as you said you wanted them to, what your power was and what your power wasn't.

A. That's correct.

Q. And that's the purpose of the question.

A. Yes.

Q. Had Drew Fairchild been indicted in 19-- early '81 and the case been assigned to you, and he was convicted, who would have total power over his sentence?

A. I would have if I hadn't recused myself And I might say, Mr. Ricther, that with respect to this Covington County field--

Q. Yes, sir?

A. I was assigned a case within the last year or so that dealt with that and I recused myself, and that fell to another judge, because I had an interest in this well. If I had any interest in anything, have any possible conflict of interest, I or any other judge who's worth his salt is going to recuse himself and get out of the case.

Q. You stated that the reason you didn't push to get the deeds to get the transaction finalized between February 1980 and February 1981 was that you were told Wiley Fairchild wasn't that type of person, is that correct? That you don't push him.

A. That's what Carroll Ingram in effect told me.

Q. Is that what you--

A. Now, he might not have used those words but he intimated that he would take his own time doing what he wanted to do.

Q. Is that why you never got on the phone throughout 1980 and said, "Hey, I thought we had a deal. I wanted a deal, where's the papers?"

A. Yes. I talked to Carroll about it a few times.

Q. Did you ever in 1981 or 1982 instruct anyone on your staff to call Wiley Fairchild's office and ask why you weren't receiving royalty deeds and when are you going to receive royalties? Not deeds but royalties. Why you hadn't been receiving your royalties and what's the delay and why hadn't there been a division order?

A. Yes, I understood that the wells were producing sometime, I don't know when it was, and there was no income coming and I wondered why.

And we inquired and they said there had to be a division on it and it hadn't been forthcoming.

Q. But you never inquired about why the deal that you had struck hadn't been effectuated?

A. I have already answered that several times.

Q. You did. I believe you said you were good friends with Bud Holmes?

A. Yes, and many other lawyers in our district. Down in the state of Mississippi, people are friendly with each other. Friendship stops at the courtroom door with respect to lawyers and judges as far as I'm concerned, and as far as any good lawyer is concerned, but when I became federal judge, I didn't consider myself annointed. I considered myself appointed and I didn't give up my First Amendment right, I didn't give up my right to continue to be friends with anyone I had been friends with before, and will not. I practiced law at the same time with Bud Holmes, and many other laywers, and we've maintained our friendship throughout the years. And that's what it's been: friendship.

Q. Can you describe the nature of the friendship somewhat?

A. What do you mean?

Q. Well, there are friendships where you would each lunch together once a month, where you socialize together in various ways, where it's strictly business, strictly pleasure, the-- are you-- would you say you're-- and I guess any way you choose to characterize it in somewhat more detail than saying it's just a friendship.

A. Well, I said we've been very good friends, like I have been with many other people and many other lawyers.

Q. Would it be fair to say you're particularly close with Mr. Holmes?

A. I don't know if I'm "particularly close." We're very good friends, I'm not here to deny that. I'll never deny friendship with someone. But why? What's significant about that? What-- what's your point, Mr. Richter?

Q. Sir, again, I don't--

A. Let's be honest about it. What are you asking?

Q. -- answer the questions.

How often do you generally see Bud Holmes?

A. Oh, it varies. Not real often. You

know, sometimes-- it varies, it depends on the circumstances or when. We don't see each other once a week or most of the time maybe not even once a month unless, you know, something throws us together.

Q. I believe you stated that you reviewed the various financial documents?

A. And I might say that I was not only a friend of Bud's but his family. His mother, Mrs. Mary Lee Holmes, who just died, was a pillar in the Methodist Church, buried right across the street. She was one of the finest people I ever knew. She used to be mayor of Hattiesburg. And his father was proiminent, prosecuting attorney, his father was, and I knew his mother real well. She was a fine lady. And our families-- I've been friends of the family.

I'm not trying to deny that in any way or play that down, because I have been with so many other lawyers and so many other people, and am, and I'm proud of that fact. That I'm-- I can be a friend of many friends among the bar, practicing attorneys.

Q. I believe you testified that you had reviewed the-- some of the financial documents in terms of how much you paid and how much you received for the various wells; is that correct?

A. It was recapitulated for me by somebody.

Q. Is it fair to say, based on that review, that at no point did you pay on the note-- this is a little complicated, bear with me-- at no point did you pay more on the note-- the notes than you had already received in royalties?

A. I don't know. I haven't checked that out.

Q. Is it possible, in other words, or at least an approximation, that basically you didn't pay these notes until you got the money back on the investment, than you paid for them?

A. Well, I had a certain period of time to pay the notes according to the terms of the notes. They were paid-- one of them was paid a little in advance, two of them were paid a month late and I paid some periodically twice. On two other occasions I made payments in the meantime which I wasn't obligated to pay. But as I got some money in from the royalties, I paid on them; that's correct.

Q. So basically--

A. They were paid in full.

Q. --you were paying with the-- with the investment-- for the investment with the income from it?

A. Well, let me say this. I just didn't take the income and transfer it over. It's supplemented any income that I had, certainly-- I don't know in what amount-- but I had enough money to make payments on the notes and I paid on them a little in advance.

MR. RICHTER:

I have no further questions.

MR. WEINGARTEN:

All rigtht. Judge, do you have anything you want to add?

THE WITNESS:

Yes, I do.

I want to say this. I-- Here (indicating) are your notes too, copies of your instruments, rather.

I came here voluntarily and am very happy to cooperate with this grand jury and give them all the information that I have and that I could. And I have always thought everyone should do that, and that goes for the grand jury over which I'm supervising right now, the other federal grand jury that's sitting at this time. I have nothing at all to-- had nothing to hide or nothing to withhold and I brought everything that you have asked me to bring.

And I want to say this. That I've been told and led to believe and read in the newspaper and heard on the news media so much about this is an investigation of the Drew Fairchild criminal case. Now, I have had nothing whatsoever officially or unofficially to do with the Drew Fairchild criminal case in federal court or state court. I don't need to reconstruct anything with reference to that. I've told you that from the beginning.

I have never talked to anyone about the case, any federal judge or state judge, federal prosecutor or state prosecutor, and I never handled any aspect of this case in federal court. As you said, Judge Cox handled it. I don't know where-- someone told me maybe Judge Russell handled one of the other defendants also and-- but I never handled any part of it, never had a thing to do with it at all, and never talked to anyone, state or federal, prosecutor or judge, in any way influence anybody with respect to this case. Didn't know anything about it until I read that account in the newspaper. Didn't even know Mr. Fairchild had a son when I was dealing with him in the business transaction.

So I want to say that because I understand that's what this is all about. The investigation is apparently, if the news media is correct, and if I understand it correctly, that's what this is about, the Drew Fairchild criminal case.

And I want to say one other thing. I-- it takes a lot of control on my part not to get-- to say it any stronger. I very deeply resent any insinuation of any kind that I would do anything of that kind. Not only are there no facts to support it, but this has really-- all of this has really hurt and caused pain to my children and my wife and myself, personally. It's an attack on my personal integrity and reputation and we have suffered through all this publicity and everything without any foundation or support of any kind in the way of evidence to support any such accusations of my having anything to do with this case.

But even above and beyond that, it's also an attack on the federal judiciary in the state of Mississippi, the federal judges. I've devoted 16 years, and I've been happy to do it and proud to do it, as United States district judge. My record is unblemished, I'm proud of it. And this has been a terrible thing on-- attacking our reputation, tearing our reputation down, based on something like this, with no supportive evidence, after 12 years of-- next week, of good, unblemished service. I have never done anything improper, illegal, unethical, and I don't intend to. So I resent it because it is a bad reflection, all this type stuff, on the federal judiciary in the state of Mississippi.

But let me just say in parting, Mr. Weingarten and Mr. Richter, I even more-- more am outraged by the insinuation that I would assist anyone involved in drug trafficking, bringing drugs into the state of Mississippi. I have taken care of those kinds of people who have come before me. Most of them are in the federal penitentiary. Most of them will be, go there. But to me that is as bad as someone going into a bank with a gun and robbing. I've got four children. I'm raising four little girls and I know what drugs do to people. I have seen it since I have been on the bench.

And I want to say this too. That I even resent it as much or more because I have always been of the opinion, and always will be, that the man who broke into my 70-year-old mother's home and murdered her in 1965 was either using drugs or broke in to get money to buy drugs. So I'm outraged and I really resent any such insinuation, that this kind of accusation has ever been made against me without supportive evidence.

I appreciate the opportunity to come before this grand jury and give them the facts and tell them how I feel and I appreciate your letting me do so.

MR. WEINGARTEN:

The procedure's, Judge, at this time--

THE WITNESS:

Before I go, I would like to ask anyone on this grand jury if there's any question they would like to ask me with reference to the Drew Fairchild case, because I'll be glad to answer it.

MR. WEINGARTEN:

Judge, let me explain the procedure, at this point, that we're using. We'd ask you to excuse yourself for a second and let the grand jury discuss among themselves whether or not they want any other areas explored.

THE WITNESS:

All right.

MR. WEINGARTEN:

So if you'd be kind enough to please just step outside, and we'll get you when that time arrives.

THE WITNESS:

I'll be happy to.

(WITNESS LEAVES THE ROOM.)

MR. WEINGARTEN:

(WITNESS RETURNS TO THE ROOM)

MR. WEINGARTEN:

Q. Judge, the grand jury wants clarification on two questions. You mentioned a recusal that may or may not be related to the Fairchild drug case.

A. No. This was a civil action involving some oil interests in this oil field-- I think it was the Covington County field--and of course I had an interest in this production in this field. So that was a civil case, completely unrelated to this, but since I had an interest in that, I recused myself because it certainly wasn't proper for me to handle that case because-- but it would have affected my interest in that.

Q. Just so that we're clear, one of the three wells that you had an interest in, there was litigation that was assigned to your court?

A. That's correct.

Q. And you stepped aside?

A. Civil case. Yes, that's right, Yes.

Q. The other question is-- one of the grand jurors wants to know-- when you saw the February '80 document sitting on your desk, and it was 1981, were you concerned or were you irritated that you may be paying interest on a note that was not legal until that very day?

A. Well, Mr.-- I had agreed to pay the ninety-five hundred dollars and it would have involved additional payment but I was willing to pay it. I wasn't going to argue about the matter because Mr. Fairchild had agreed to let me invest in the field and said that he would let me do so and I just didn't feel that I would raise any question about the matter, frankly. And, as it turned out, I don't believe I was even charged for interest. But I didn't know that until, as I told you, the other day when I recomputed it. I thought I had paid since the 1980 transaction.

And I do have my financial disclosure statements here. I thought they were in evidence, the one filed in May of 1982 reflecting that this transaction is a 1981 transaction. So may I hand it (indicating) to you to be put in the record?

Q. Sure.

A. I don't have a copy of my 1980 statement filed in May of '81, but if you have a copy, which I hope you do, I'd like the grand jury to see it because I did not list this transaction on it as a 1980 transaction. I listed it on '82 as a 1981 transaction.

Q. Why don't we put all your statements in evidence?

A. May I give you this (indicating), please? (Handing document to Counsel.)

Q. This is 1982?

A. That's the date it was filed for the year 1981, yes.

Q. Is this the amended return or the original?

A. That's both. Apparently my CPA didn't break down the oil interest that I acquired, and I acquired four, three more in 1980-- in 1981, in addition to this, and they're all stated. It was sent back to break them down and that's what I did. That's what we did, and filed it.

Q. Just so we-- the grand jury might not be clear on that procedure, not being familiar with the disclosure statements.

A. All right.

Q. Is it fair to say, when you first filed your disclosure statement in May '82, you reported, for the first time, oil interests?

A. That's correct. For 1981, and filed in May of 1982. I reported this transaction and the other three that I had entered into, completely unrelated to this, for the year 1981.

Q. And when you first filed the document, you put oil and gas royalty and working interest, and then, paren, acquired in 1981?

A. That's correct.

Q. Is it fair to say the court sent the document back and made a further request?

A. Judge Tamm (phonetic) did, yes. He was in charge of this. Right, break it down and give the dates. And that's what Mr. Logan apparently did and that's why I told you he chose the February '81 date, apparently because he knew we didn't-- I didn't acquire this in 1980 and he must have thought it was a mistake on the instrument and should have been February 25, '81. As I say, he's deceased now. And I wish I could produce him but he died of a heart attack.

Q. Just so we finish, the amended return lists oil and gas royalty interest: One, W. R. Fairchild Construction Company, Ltd., and then three others that are unrelated to Fairchild?

A. That's correct. I say one, of course one was the three wells, the transaction with Fairchild.

Q. I see.

MR. RICHTER:

Q. But prior to having been specifically requested by Judge Camm (phonetic)?

A. Yes.

Q. You didn't put on the disclosure form who you had the oil royalty--

A. Originally, my CPA didn't do that. And Judge Tamm (phonetic) sent it back and asked us to break it down, and we did.

Q. So the reason it was included was because it was specifically requested by--

Q. Yes, that's correct. And that's not

unusual. Most of the time we have to-- we have to be so specific with the statements, make corrections, Judge Tamm (phonetic) sends them back to--

Q. That was the one thing on that form that said you had not completed it to their satisfaction?

A. All of those-- all four of those transactions of 1981, yes, including this one and three completely unrelated ones, oil and gas.

MR. WEINGARTEN:

Q. On this document I note that it's indicated that the value of the oil and gas working interest originally was placed at fifteen to fifty thousand dollars. Was that totaling the four?

A. I don't know how Charles Logan did it. He was my CPA and that's what I paid him to do. I don't know how they evaluate an interest in an oil and gas well. I know what the income that comes from it-- it's not like going out and saying it's a piece of property worth such and such because I--I don't know how to do it to begin with. And, secondly, you never know what the production is going to be or when it's going to run dry. How they eveluate it, I have no idea.

Q. Just getting back to the one question the juror asked.

A. All right.

Q. I'm not sure he's going to be satisfied. As you sat there in '81 and you saw that the deed or the notes reflected an '80 date, a year before, and the notes were for about ninety-five hundred dollars at 10 percent, I quess that's about a thousand dollars.

A. Nine hundred and fifty dollars.

Q. Nine hundred and fifty dollars, obviously. Why didn't you just pick up the phone to Wiley, if you had this relationship, this on-going relationship, and just say correct it?

A. I-- I've told you already I appreciated the man putting me in the thing. He asked me why, I told him. He said he thought it was a worthwhile project, he hoped-- it was not a sure thing, it was a gamble, but that he would do it at-- because of Carroll Ingram's request and because of my motivation.

Q. Okay.

A. And that's-- that's the reason.

Q. Okay, we thank you for--

A. But--

Q. -- for your testimony.

A. -- I'm puzzled. Of course, I know why you're asking the question. But, as I understand it-- well, go ahead. I've already answered your question.

Q. All right.

A. I thought this was an investigation of handling the Drew Fairchild case, which would be the only possible charge of a crime herein, federal crime, and I think I've answered that to your--

Q. Okay.

A. Unequivocally, I had nothing to do with that.

Q. Thank you for your testimony. We'll make copies of the documents and send the originals back to you.

A. All right.

Q. Or to your lawyer.

A. That will be fine.

Q. What's your preference? Your lawyer?

A. It doesn't matter. Mr. Goodman has been looking after this because of my busy schedule, and you may send it to him, Bill

Goodman, Watkins and Eager, in Jackson, or to me. It doesn't matter.

Q. Thank you.

A. You're welcome. Good day, ladies and gentlemen.

(WITNESS LEAVES ROOM)

CERTIFICATE OF COURT REPORTER

I, Dale N. Milford, CSR, RPR, Official Court Reporter for the United States Special Grand Jury for the Southern District of Mississippi, impaneled as a Special Grand Jury on July 18, 1984, and the order appointing the said Dale N. Milford, dated February 21, 1984 and filed with the Clerk of the United States District Court for the Southern District of Mississippi, hereby certify that the foregoing 99 pages, and including this page, contain a true and correct transcript of the proceedings had in Special Grand Jury taken by me in Stenotype and later reduced to typewritten form to the best of my skill and ability.

WITNESS MY SIGNATURE AND SEAL this the 7th day of August 1984.

DALE N. MILFORD, CSR, RPR,
Official Reporter and
Notary Public

My Commission Expires April 18, 1986

GOVERNMENT EXHIBIT 2

William F. Porter

ATTORNEY AT LAW

PHONE (601) 545-7010
HOME: 544-4317

806 W. PINE ST.
P.O. BOX 1469
HATTIESBURG, MS 39401

544-4179
544-6447*

UNITED STATES GOVERNMENT
memorandum

DATE: November 19, 1980

REPLY TO ATTN OF: James B. Tucker
Chief, Criminal Division

SUBJECT: Redditt Andrew Fairchild

TO: Hon. William F. Porter
Attorney at Law

MEMORANDUM OF UNDERSTANDING

Drew Fairchild and his attorney, William F. Porter, have been notified that:

If Fairchild cooperates fully with the government concerning all information and, knowledge that he has regarding violations of the Controlled Substances Act (21 U.S.C. 841, et seq.) and all methods of transportation, possessions or distributions of controlled substances, including any interstate violations by any person or association of person, and all exchanges of moneys, controlled substances or any other things of value between any persons, as a result of any aforedescribed transactions;

Thereafter, the government will do the following:

1. Upon a tender of a plea of guilty by Fairchild to felony charges of violating offenses against the United States, whether the charge be by indictment or information, the government will recommend that the Court accept his plea of guilty to the charges and further recommend that the Court sentence Fairchild to a five-year term of imprisonment, suspend execution of the sentence, a fine in the sum of $15,000, and place Fairchild on probation for a period of five years, a special condition of probation being that Fairchild pay the fine forthwith.

It is understood that, as of the date of this memo Fairchild and his attorney have both indicated that he desires to plead guilty to offenses that he has committed against the United States, but that the government reserves the right to unlimited discretion in determining, selecting and describing the offenses committed, the contents and charging part of the indictment or information, and time of filing or presenting charges.

W.F.P.

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

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OPTIONAL FORM NO. 10
(REV. 7-76)
GSA FPMR (41 CFR) 101-11.6
5010-112

It is further understood that the Court, in accord with the principles of Rule 11, Federal Rules of Criminal Procedure, is not required to accept the recommendation aforedescribed, and the government has no other obligation than as stated in paragraph No. 1.

It is further understood that this memorandum completely reflects all promises, agreements and conditions made by and between the United States Attorney for the Southern District of Mississippi and Fairchild.

It is further understood that the government can proceed by information only if Fairchild waives his right to indictment by grand jury as provided in Rule 7(b), Federal Rules of Criminal Procedure.

It is further understood that Fairchild will truthfully and completely reveal to the government all incidents and circumstances relating to the matters described in the introductory paragraph. Furthermore, Fairchild's complete cooperation, as indicated in the introductory paragraph includes: (1) Immediate disclosure of the matters to federal agents of the Federal Bureau of Investigation; (2) Testimony before a grand jury, if necessary, in any district deemed appropriate by the government; and (3) Testimony at any trial, if necessary, involving the matters described in the introductory paragraph.

It is further understood that should Fairchild commit any further crimes, this memorandum shall be deemed violated and be subject to prosecution for any federal criminal violation of which this office has knowledge, and that any information provided by him may, if appropriate, be used against him.

It is further understood that should Fairchild fail or refuse as to any part of this memorandum, all representations by the government are rescinded.

It is further understood that no information given by Fairchild in response to this memorandum will be used against him in any criminal case, except as described in paragraph number 1, and except in a prosecution for perjury, and except if he violates any provision of this memorandum, in which events it is specifically understood and agreed that all information given by him, or derivatives thereof, shall be admissible in evidence in any proceedings against him.

W.F.P.

It is further understood that this memorandum cannot bind other federal district, state or local prosecuting authorities; however, this office shall and will, if requested, bring Fairchild's cooperation to the attention of the other prosecuting authorities.

Jackson, Mississippi, this 19 day of November, 1980.

James B Tucker
JAMES B. TUCKER
Chief, Criminal Division

AGREED TO:

R A Fairchild
REDDITT ANDREW FAIRCHILD,
Defendant

William F. Porter
WILLIAM F. PORTER,
Of Counsel for Defendant

EXHIBIT NO. G-2 EVID
CAUSE NO. H85-00012(L)
WITNESS Drew Fairchild
PAGES 3

JAN 28 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Diane Scott REPORTER

GOVERNMENT EXHIBIT 3

[illegible] STATE [illegible] [illegible] ST CO[illegible]

[illegible] July [illegible] TERM

The [illegible] State of Mississippi, [illegible] impanelled, sworn and charged, [illegible] County, [illegible] the name and by the authority of the said State of Mississippi, upon [illegible] present: that [illegible] Fairchild and [illegible]obert L. Watkins, [illegible] conjunctio[illegible] ginning [illegible] with each other [illegible] 27th [illegible] of July [illegible] and continuous [illegible] 19[illegible] in Forrest County aforesaid: [illegible] August [illegible] 1980

[illegible] willfully, unlawfully and feloniously conspire and agree together [illegible] commit a crime, to-wit: possession of more than one (1) kilogram of [illegible] with the intent to deliver the same to individuals unknown, [illegible] to and in violation of the [illegible] Controlled Substances Act, [illegible] amended.

BEST AVAILABLE COPY

THE STATE OF MISSISSIPPI, FORREST COUNTY

CIRCUIT COURT, July TERM, 19 81

The Grand Jurors for the State of Mississippi, elected, impanelled, sworn and charged, in and for Forrest County, State aforesaid, in the name and by the authority of the said State of Mississippi, upon their oath, present: that Beddit Andrew Fairchild and Robert L. Watkins, In conjunction with each other beginning on the 27th day of July, 1980 and continuously until August 4, 1980 19___, in Forrest County aforesaid:

did willfully, unlawfully, and feloniously conspire and agree together to commit a crime, to-wit: possession of more than one (1) kilogram of marijuana with the intent to deliver the same to individuals unknown, contrary to and in violation of the Uniform Controlled Substances Act, as amended,

STATE OF MISSISSIPPI
COUNTY OF FORREST

I, MARIAN BROWN, Circuit Clerk of Forrest County do hereby certify that the foregoing is a true and correct copy of Indictment as the same appear on record in my office in Book 21 Page 252

Given under My hand and offical seal on this 13 day of June, 1985

Marian Brown
Circuit Clerk
By: Sue Russell D.C.

against the peace and dignity of the State of Mississippi.

J. H. Mc Cann
Foreman of the Grand Jury.

District Attorney.

No. 10,041

Forrest County, Mississippi

THE STATE OF MISSISSIPPI

vs.

Redditt Andrew Fairchild and
Robert L. Watkins, in conjunction
with each other

CHARGE

Conspiracy

A TRUE BILL:

J. H. McCann
Foreman of the Grand Jury

WITNESSES

Filed August 26 19 81

Circuit Clerk

By Helen McBride D.C.

GOVERNMENT EXHIBIT 4

FILED
DEC 27 1982
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER 10,011

DREW FAIRCHILD DEFENDANT

ORDER

ON THIS DAY this Cause came on to be heard upon the Motion of the State of Mississippi, ore tenus, to pass the above styled and numbered Matter to the files as pertains to the Defendant, Drew Fairchild, for the reasons that said Defendant has been awaiting sentencing for a number of months, that said Co-defendant in the above styled and numbered Matter has been a fugitive from justice, and was apprehended in the State of Texas and also in the State of Florida; nevertheless, the State of Mississippi, despite its diligent efforts to obtain the body of Co-defendant, it has been unable to return him to the State of Mississippi to await trial. State would further show that the Co-defendant was a pilot which was actually flying the aircraft involved with controlled substances, and would further show the Court that Drew Fairchild has agreed to cooperate with the State of Mississippi, in its efforts to prosecute the pilot and testify if necessary, and further the State of Mississippi, has been made aware that he has cooperated with the Mississippi Bureau of Narcotics and supposedly the Federal government concerning this investigation and was not indicted by the Federal government for his role although all other parties besides Drew Fairchild or the pilot were indicted by the Federal government and the State of

Mississippi, would ask that this Matter be passed to the files at this time so that the Defendant's right to a speedy trial, sentence within reasonable time, and/or any due process of law rights will not be violated as to the Defendant, Drew Fairchild, and the Court after considering the same based upon the above and foregoing reasons, finds that said Matter is well taken and should be sustained.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the above styled and numbered Matter be, the same is hereby, passed to the files at this time based upon the foregoing reasons.

SO ORDERED AND ADJUDGED on this the 23rd day of December, A.D., 1982.

CIRCUIT COURT JUDGE

STATE OF MISSISSIPPI
COUNTY OF FORREST

I, MARIAN BROWN, Circuit Clerk of Forrest County do hereby certify that the foregoing is a true and correct copy of Order - Passing to files as the same appear on record in my office in Book 5X Page 84-85

Given under My hand and offical seal on this 13th day of June, 1985

Marian Brown
Circuit Clerk
By: Susie Russell, DC

[redacted]

FILED

[illegible] B[illegible]
CIRCUIT CLERK

IN THE CIRCUIT COURT OF [illegible] COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

CAUSE NUMBER [illegible]

VERSUS

DEFENDANT

KEN FA[illegible]

O R D E R

ON THIS [illegible] this cause came on to be heard upon the [illegible] of [illegible] to [illegible] [illegible] the [illegible] defendant, [illegible] Falsetti[illegible], [illegible] the [illegible] that said [illegible] has been [illegible] or a number [illegible] said Co-defendant in the [illegible] and [illegible] has been a fugitive [illegible] and was apprehended in the State of [illegible] and [illegible] in the State of Florida; nevertheless, the State of Mississippi, despite its diligent efforts [illegible] in the custody of co-defendant it has been unable [illegible] him to the State of Mississippi to await trial. [illegible] that the co-defendant [illegible] was [illegible] the aircraft [illegible] with controlled substances, and would further show the Court that [illegible] Falsetti has agreed to [illegible] with the State of Mississippi, in its efforts to [illegible] the [illegible] if necessary, and [illegible] the State of Mississippi [illegible] that he has [illegible]

BEST AVAILABLE COPY

GOVERNMENT EXHIBIT 5

[illegible]

BEST AVAILABLE COPY

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
Hattiesburg Division

SOUTHERN DISTRICT OF MISSISSIPPI
FILED
MAR 29 1985
CLARENCE A. PIERCE, CLERK
BY [illegible] DEPUTY

UNITED STATES OF AMERICA)
v.)
) CR. No. H85-00005
REDDITT "DREW" FAIRCHILD,)
Defendant.)

INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

1. From on or about February, 1980 and continuously thereafter up to and including August 4, 1980, in the Southern District of Mississippi and elsewehere, Defendant REDDITT "DREW" FAIRCHILD together with unindicted co-conspirators Robert Royals, Robert L. Watkins, Charles Malone, Malcolm "Duffy" Nathan, Mario Torres, and Kenneth Hatfield, willfully and knowingly did conspire, confederate, and agree together with each other and with others whose names are known and unknown to the Grand Jury, to import marijuana, a Schedule I controlled substance, into the United States from Colombia, South America and other locations outside the United States, contrary to Title 21, United States Code, Section 952(a).

Means and Methods of the Conspiracy

2. It was a part of the conspiracy that:

(a) Unindicted co-conspirator Robert Watkins, with the help of unindicted co-conspirators Malcolm "Duffy" Nathan and Mario

Torres, would and did agree to pilot planes from the United States to Jamaica and Colombia and back to the United States with loads of marijuana;

(b) Defendant REDDITT "DREW" FAIRCHILD, together with unindicted co-conspirator Robert Royals, agreed to assist in the preparation of drug smuggling planes and the landing and unloading of said planes at the Hattiesburg Municipal Airport;

(c) Defendant REDDITT "DREW" FAIRCHILD and unindicted co-conspirator Charles Malone agreed to make arrangements for the offloading and the storage of the marijuana in or near Hattiesburg, Mississippi; and

(d) Unindicted co-conspirators Charles Malone and Kenneth Hatfield agreed to make arrangements for the sale of marijuana.

Overt Acts

3. In or about the spring of 1980, Defendant REDDITT "DREW" FAIRCHILD met with unindicted co-conspirators Charles Malone, Malcolm "Duffy" Nathan, and Robert L. Watkins, in Hattiesburg, Mississippi to make arrangements for the importation of marijuana into Hattiesburg, Mississippi.

4. In or about the summer of 1980, Defendant REDDITT "DREW" FAIRCHILD made arrangements for the availability of a "stash house" in or near Hattiesburg, Mississippi in which to store marijuana.

5. In or about late July, 1980, unindicted co-conspirator Robert L. Watkins flew an airplane to Colombia, South America, to obtain marijuana.

6. In or about late July or early August, 1980, unindicted co-conspirator Robert Royals was present at the Hattiesburg Municipal Airport and assisted in the preparation and planning for the importation of marijuana into the United States by unindicted co-conspirator Robert L. Watkins.

7. On or about August 1, 1980, Defendant REDDITT "DREW" FAIRCHILD and unindicted co-conspirator Robert Royals drove to the "stash house" and in the course of the trip met with unindicted co-conspirator Charles Malone.

8. On or about the night of August 3, 1980, unindicted co-conspirator Robert Royals was present at the Hattiesburg Municipal Airport waiting for the plane piloted by unindicted co-conspirator Robert L. Watkins to land.

9. On or about the night of August 3, 1980, unindicted co-conspirator Robert Watkins landed an airplane containing approximately 2200 pounds of marijuana at the Hattiesburg Municipal Airport.

In violation of Section 963 of Title 21, United States Code.

A TRUE BILL:

David M. Ward Jr.
FOREMAN

Reid H Weingarten
REID H. WEINGARTEN

Trial Attorney
Public Integrity Section
Criminal Division
Department of Justice
Washington, D.C. 20530
(202) 724-6974

A TRUE COPY. I HEREBY CERTIFY.
Clarence A. Pierce, CLERK
By:
Deputy Clerk

EXHIBIT NO. G-3 EVID
CAUSE NO. H85-0012(L)
WITNESS Alvern Fairchild
PAGES 1

JAN 28 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Jane Scott REPORTER

No. __________

UNITED STATES DISTRICT COURT

SOUTHERN District of MISSISSIPPI

Hattiesburg Division

THE UNITED STATES OF AMERICA

vs.

REDDITT "DREW" FAIRCHILD

SOUTHERN DISTRICT OF MISSISSIPPI
FILED
MAR 29 1985
CLARENCE A. PIERCE, CLERK
BY __________ DEPUTY

INDICTMENT

Violation Charged:
21 U.S.C. §963

A true bill

David M. Ward, Sr.
Foreman

Filed in open court this __________ day

of __________ , A.D. 19____

____
Clerk.

Bail, $ __________

GPO 863 828

2336

EXHIBIT NO. G-5 EVID
CAUSE NO. H85-00012(L)
WITNESS Drew Fairchild
PAGES 4

JAN 28 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Alene Scott REPORTER

GOVERNMENT EXHIBIT 6

CLERK'S CERTIFICATE

STATE OF MISSISSIPPI
COUNTY OF FORREST

I, Marian Brown, Clerk of the Circuit Court of Forrest County, Mississippi, the same being a court of records, do hereby certify that the foregoing list of 81 entries as docketed in the State Docket #7 in the office of the Circuit Clerk are true, full and complete copies of all papers to date filed in Cause No. 10,041 styled STATE OF MISSISSIPPI VERSUS REDDITT ANDREW FAIRCHILD as the same are and remain on file and of record in my office.

IN WITNESS WHEREOF, I hereto set my hand and seal of office of said County, at my office in the City of Hattiesburg, County of Forrest, State of Mississippi, this the 15th day of January, 1986, A D.

MARIAN BROWN, CIRCUIT CLERK

Marian Brown

GOVERNMENT
EXHIBIT
3

CIRCUIT COURT OF FORREST COUNTY
CAUSE NO. 10,041
STATE OF MISSISSIPPI VS. REDDITT ANDREW FAIRCHILD AND ROBERT L. WATKINS
CHARGE OF CONSPIRACY

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THE STATE OF MISSISSIPPI, FORREST COUNTY

CIRCUIT COURT, July TERM, 19 81

The Grand Jurors for the State of Mississippi, elected, impanelled, sworn and charged, in and for Forrest County, State aforesaid, in the name and by the authority of the said State of Mississippi, upon their oath, present: that Redditt Andrew Fairchild and Robert L. Watkins, In conjunction with each other beginning on the 27th day of July, 1980 and continuously 19__ until August 4, 1980 in Forrest County aforesaid:

did willfully, unlawfully, and feloniously conspire and agree together to commit a crime, to-wit: possession of more than one (1) kilogram of marijuana with the intent to deliver the same to individuals unknown, contrary to and in violation of the Uniform Controlled Substances Act, as amended,

against the peace and dignity of the State of Mississippi.

Foreman of the Grand Jury.

District Attorney.

22-275-89—34

No. 10,041

Forrest County, Mississippi

THE STATE OF MISSISSIPPI

vs.

Redditt Andrew Fairchild and
Robert L. Watkins, in conjunction
with each other

CHARGE

Conspiracy

A TRUE BILL:

J H Mc Crane
Foreman of the Grand Jury

WITNESSES

Filed August 26, 1981

Marie Brown
Circuit Clerk

By Helen McBride D.C.

CAPIAS

Marian Brown
CIRCUIT CLERK

THE STATE OF MISSISSIPPI, FORREST COUNTY
CIRCUIT COURT

AUG 28 1981

2

To The Sheriff of Forrest County, Greeting:

We command you, to take the body of Leddit Andrew Frischill if found in your county, and him safely keep, so as to have him before the Honorable, the Circuit Court of Forrest County, in said State, on the 3rd day of September 1981, to answer then and there unto the State of Mississippi of a charge of Conspiracy

by indictment in said Court, at the August Term, A.D. 1981, thereof.

Herein fail not, and have then there this writ, with the manner you have executed the same.

Given under my hand and seal and issued this the 26th day of August 1981

Marian Brown
Clerk of the Circuit Court.

By Helen McBride D. C.

FILED
SEP 3 1981
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI
VERSUS CAUSE NUMBER 10,041
REDDITT ANDREW FAIRCHILD DEFENDANT

O R D E R

THIS DAY this cause came on to be heard upon the joint Motion and agreement of the State of Mississippi by and through the office of the Assistant District Attorney, Katie Matison, and William Porter Esq., attorney for the Defendant, formally waiving the reading of the Indictment in open Court on September 3, 1981, which charged the above named Defendant, Redditt Andrew Fairchild with conspiracy, and this Court, having heard and considered the same, doth FIND that this Motion is well taken and should be sustained.

SO ORDERED AND ADJUDGED on this the 3rd day of September A.D., 1981.

CIRCUIT COURT JUDGE

AGREED AND APPROVED AS TO FORM:

Katie Matison
KATIE MATISON
ASSISTANT DISTRICT ATTORNEY

William F. Porter
WILLIAM PORTER, ESQ.
ATTORNEY FOR DEFENDANT

FILED
NOV 18 1981
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI PLAINTIFF

VERSUS CAUSE NO. 10,041

REDDITT ANDREW FAIRCHILD DEFENDANT

ORDER

This day this cause came on to be heard upon the joint motion of the State of Mississippi, by and through the Assistant District Attorney and the Attorney for the Defendant, requesting a premptory trial setting in regard to the above entitled cause, and this Court, having heard and considered the same doth find that this Motion is well taken and should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that this matter is preemptorily scheduled for trial on Tuesday, January 12th, 1982.

SO ORDERED AND ADJDUGED on this the 18th day of November, 1981.

Jack H. Weldy
CIRCUIT COURT JUDGE

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

JANUARY TERM 19 82

FILED
JAN 12 1982
Marian Brown
CIRCUIT CLERK

STATE OF MISSISSIPPI

VS. CAUSE NO. 10,041

REDDITT ANDREW FAIRCHILD, DEFENDANT

ENTRY OF GUILTY PLEA

This day into open Court came the District Attorney who prosecutes for the State of Mississippi and came also Redditt Andrew Fairchild, in his own proper person and represented by counsel, Hon. William F. Porter and was lawfully arraigned upon an Indictment lawfully returned by the Grand Jury of Forrest County, Mississippi, charging the said Defendant with the crime of conspiracy, and being duly advised of all his Constitutional rights in the premises and being further advised of the consequences of such a plea, the Defendant did then and there in open Court, after first being duly qualified, enter his plea of guilty to said charge, which plea is accepted by the Court.

Sentence is hereby deferred to the 19th day of March, A. D., 19 82.

SO ORDERED AND ADJUDGED on this the 12th day of January, A. D., 19 82.

CIRCUIT JUDGE

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER 10,041

REDDITT ANDREW FAIRCHILD DEFENDANT

FILED
MAR 1 9 1982
Marian Brown
CIRCUIT CLERK

O R D E R

ON THIS DAY this Cause came on for sentencing, on the State of Mississippi, and the Defendant, by and through his Attorney of Record, the Honorable William Porter, making it known to the Court, that said Defendant has recently undergone a back operation, and is physically unable to attend Court at this term, and respectfully requesting that the matter be set for the July Term for sentencing or at an earlier date if the Defendant has recouperated, and the Court after hearing said Motion, finds that it is well taken and should be sustained.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the above styled and numbered matter be, the same is hereby, continued for sentencing until the July Term, 1982.

SO ORDERED AND ADJUDGED on this the 19th day of March, A.D., 1982.

CIRCUIT COURT JUDGE.

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

FILED
CIRCUIT CLERK

STATE OF MISSISSIPPI

JUN. 2 5 1982

v. CIVIL ACTION NO. 10,041

REDDIT ANDREW FAIRCHILD DEFENDANT

MOTION TO DEFER SENTENCING

COMES now the Defendant, REDDIT ANDREW FAIRCHILD, and moves for this Honorable Court to defer sentencing until the August, 1982, term of Circuit Court. In support of this Motion, your Defendant would show that he had back surgery recently at Ochsner Medical Center, New Orleans, Louisiana, where the L-4 and L-5 discs were removed on the left side. Defendant has not recovered from surgery and needs additional time before sentencing.

Respectfully submitted,

William F. Porter

BY: WILLIAM F. PORTER, OF COUNSEL

WILLIAM F. PORTER
ATTORNEY AT LAW
P. O. BOX 1469
HATTIESBURG, MS 39401
TELEPHONE: (601) 545-7010

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

FILED

JUN 2 5 1982

CIRCUIT CLERK

STATE OF MISSISSIPPI

v. CIVIL ACTION NO. 10,041

REDDIT ANDREW FAIRCHILD DEFENDANT

ORDER

THIS DAY this cause came before the Court on Motion to Defer Sentencing until the August, 1982, term of Circuit Court and the Court after having been fully advised in the premises finds that the Motion is well taken and should be sustained.

IT is, therefore ordered that the Defendant in Civil Action No. 10,041 be brought before this Court for sentencing during the August, 1982, term of Court.

SO ORDERED and ADJUDGED on this, the 25th day of June, A. D., 1982.

CIRCUIT JUDGE

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

FILED
JUL 12 1982
Marian Brown
CIRCUIT CLERK

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER 10,041

REDDITT ANDREW FAIRCHILD DEFENDANT

O R D E R

ON THIS DAY this Cause came on to be heard upon Motion of the Defendant, by and through his attorney of record, the Honorable William Porter, to continue the above styled and numbered matter for sentencing, for the reason that the Defendant has recently undergone surgery and for other health related reasons, and the Court after considering the Defendant's Motion, finds that it is well taken and should be sustained.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the above styled and numbered matter is hereby continued for sentencing in the above styled and numbered cause until the next November, 1982 term of Court.

SO ORDERED AND ADJUDGED on this the 12th day of July, A. D., 1982.

CIRCUIT COURT JUDGE

FILED
NOV 15 1982
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS

CAUSE NUMBER 10,041

REDDITT ANDREW FAIRCHILD

DEFENDANT

O R D E R

ON THIS DAY this Cause came on to be heard upon the Joint Motion, ore tenus, the Defendant, by and through his attorney of record, the Honorable William Porter, and the State of Mississippi, by and through the Office of the District Attorney, to continue the above styled and numbered matter for the Term for sentencing purposes, for the reason that said Defendant is presently having physical problems and, further, the State of Mississippi would also show that the Co-defendant involved here, has been apprehended in the State of Florida, the State of Mississippi expects to extradite him within the foreseeable future, and the Court after considering the same, FINDS that the Defendant would not be prejudiced to continue the matter for sentencing, and the Motion should be sustained.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the above styled and numbered matter be, the same is hereby, continued.

SO ORDERED AND ADJUDGED on this the 15th day of November, A.D., 1982.

CIRCUIT COURT JUDGE

FILED
DEC 27 1982
Mariano Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER 10,041

DREW FAIRCHILD DEFENDANT

O R D E R

ON THIS DAY this Cause came on to be heard upon the Motion of the State of Mississippi, ore tenus, to pass the above styled and numbered Matter to the files as pertains to the Defendant, Drew Fairchild, for the reasons that said Defendant has been awaiting sentencing for a number of months, that said Co-defendant in the above styled and numbered Matter has been a fugitive from justice, and was apprehended in the State of Texas and also in the State of Florida; nevertheless, the State of Mississippi, despite its diligent efforts to obtain the body of Co-defendant, it has been unable to return him to the State of Mississippi to await trial. State would further show that the Co-defendant was a pilot which was actually flying the aircraft involved with controlled substances, and would further show the Court that Drew Fairchild has agreed to cooperate with the State of Mississippi, in its efforts to prosecute the pilot and testify if necessary, and further the State of Mississippi, has been made aware that he has cooperated with the Mississippi Bureau of Narcotics and supposedly the Federal government concerning this investigation and was not indicted by the Federal government for his role although all other parties besides Drew Fairchild or the pilot were indicted by the Federal government and the State of

Mississippi, would ask that this Matter be passed to the files at this time so that the Defendant's right to a speedy trial, sentence within reasonable time, and/or any due process of law rights will not be violated as to the Defendant, Drew Fairchild, and the Court after considering the same based upon the above and foregoing reasons, finds that said Matter is well taken and should be sustained.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the above styled and numbered Matter be, the same is hereby, passed to the files at this time based upon the foregoing reasons.

SO ORDERED AND ADJUDGED on this the 23rd day of December, A.D., 1982.

CIRCUIT COURT JUDGE

I have this day executed the within writ by arresting the within named Defendant and placing Reddit A. Fairchild in the jail.
This the 26 day of August 1981.
Charles M. Tyson, MBN

No. 10,041

State of Mississippi, Forrest County

CIRCUIT COURT

CAPIAS

THE STATE OF MISSISSIPPI

vs

Reddit Andrew
Fairchild

CAPIAS

THE STATE OF MISSISSIPPI, FORREST COUNTY
CIRCUIT COURT

#10,041

To The Sheriff of Forrest County, Greeting:

We command you, to take the body of Robert L Watkins if found in your county, and him safely keep, so as to have him before the Honorable, the Circuit Court of Forrest County, in said State, on the 3rd day of September 1981, to answer then and there unto the State of Mississippi of a charge of Conspiracy

FILED
JAN 26 1983
Marian Brown
CIRCUIT CLERK

by indictment in said Court, at the August Term, A.D. 1981 thereof.

Herein fail not, and have then there this writ, with the manner you have executed the same.

Given under my hand and seal and issued this the 26th day of August 1981

Marian Brown
Clerk of the Circuit Court.

By Helen McBride D. C.

12

FILED
JAN 26 1983
Marion Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER 10,041

ANDREW FAIRCHILD DEFENDANT

MOTION

COMES NOW, the State of Mississippi, by and through the Office of the District Attorney, moved to reinstate the charges and complete file of the Defendant, Andrew Fairchild, in the above styled and numbered Cause and would show in support thereof:

I

That the Defendant, Andrew Fairchild, entered a plea of Guilty to the charge in January, 1982 and has been awaiting sentence since that period of time.

II

Subsequently, the State of Mississippi, passed the Matter to the files for the reason that the Co-defendant in the case was never apprehended and brought back to the jurisdiction of the State of Mississippi, although he had been arrested twice.

III

The State of Mississippi did not desire to sentence the Defendant, Andrew Fairchild, for the reason that he had indicated a willingness to testify and cooperate with the State of Mississippi in the prosecution of Co-defendant.

IV

That in order to avoid any constitutional problems, affording the Defendant his right to a speedy trial, disposition, and/or due process of law according to the Fourteenth Amendment in a Constitutional Standards, the State of Mississippi requested that the Matter be passed to the files in December of 1982.

V

And since that time, the Co-defendant, Robert Watkins, has returned to the State of Mississippi and is under the jurisdiction of the Courts in the State of Mississippi and, therefore, the State feels the interest of Justice would dictate, that this Matter be reinstated upon the active docket of the Circuit Court of Forrest County, Mississippi.

RESPECTIVELY submitted on this the 26th day of January, A.D., 1983.

DISTRICT ATTORNEY

FILED
JAN 26 1983
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER 10,041

ANDREW FAIRCHILD DEFENDANT

ORDER

ON THIS DAY this Cause came on to be heard upon Motion of the State of Mississippi, to reinstate on the active docket the file against Andrew Fairchild, for the reason that the Co-defendant is now returned to the jurisdiction of the State of Mississippi, and the State of Mississippi is desirous of having a disposition of the Defendant, Andrew Fairchild, and the Court considering the fact that the Matter was passed to the files in December, 1982 after the Defendant had previously entered a plea in January of 1982 to avoid any constitutional due process of law problems with the Defendant not being sentenced within that period of time, due to the fact that State of Mississippi indicated that he would testify in trial against this Co-defendant. The Court finds that the Matter should be reinstated on the active docket and, therefore, orders that the case against Drew Fairchild in the entire file be placed upon the active docket in the Circuit Court of Forrest County, Mississippi, for disposition in the March 1983 Term, or a subsequent term of Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Clerk of the Circuit Court of Forrest County, Mississippi, is hereby directed to place upon the active docket the previous Matter which is passed to the files pertaining to Andrew Fairchild in the above styled and numbered Cause.

SO ORDERED AND ADJUDGED on this the 26th day of January, A.D., 1983.

L. McKenzie

CIRCUIT COURT JUDGE

10,041 — I.D.# 61756

SHERIFF'S APPEARANCE BOND

FILED
MAR 2 1983
Marian Brown
CIRCUIT CLERK

The State of Mississippi, Forrest County

We, Robert Leman Watkins Principal, and
Delta Bonding Company

Surities agree to pay the State of Mississippi
One hundred thousand and no/100 ([illegible]) Dollars, unless
Robert Leman Watkins
appears at the March Term Circuit Court 19 83 term of the Circuit Court of Forrest County, and there remain from day to day and term to term until discharged by due course of law, to answer a criminal prosecution now pending against Robert Leman Watkins in said Court for the offense of CONSPIRACY

We hereby severally certify that we have property free from all encumbrance to the full amount of the above bond.

Witness our hands and seals, this the 26 day of Jan 19 83.

: Principal
Delta Bonding Company : Surities
1507 Hardy St. Hattiesburg Ms.
Richard Waltman Agent :

Taken and approved Jan. 26 19 83 Gene Walters, Sheriff
By Mike Burnell D.S.

15

MAR 5 1983

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

JANUARY TERM 1983

STATE OF MISSISSIPPI

VERSUS CAUSE NO. 10,041

ROBERT LEMAN WATKINS, DEFENDANT

FILED
MAR 2 1983
Marian Brown
CIRCUIT CLERK

O R D E R

Comes the District Attorney who prosecutes the pleas for the State of Mississippi, and comes the Defendant, Robert Leman Watkins, in the presence of (his,~~her~~) attorney, Honorable H. Lee Bauman (for arraignment only), who was brought before the Court and who upon waiver of formal reading of the indictment preferred against (him,~~her~~) of CONSPIRACY, and for plea to said charge said Defendant says that (he,~~she~~) is not guilty.

It is ordered by the Court that said Defendant remain in custody unless released on bond in the sum of $100,000.00 conditioned according to law, to be approved by the Sheriff of this County, providing for (his,~~her~~) appearance herein.

ORDERED AND ADJUDGED on this the 26th day of January, A.D., 1983.

CIRCUIT JUDGE
RICHARD W. MCKENZIE

IN THE CIRCUIT COURT OF THE 12TH
JUDICIAL CIRCUIT IN AND FOR
FORREST COUNTY, MISSISSIPPI

CRIMINAL DIVISION

CASE NO. 10041

FILED
MAR 21 1983
Mariann Brown
CIRCUIT CLERK

STATE OF MISSISSIPPI,)
Plaintiff,)
vs.)
ROBERT L. WATKINS,)
Defendant.)

MOTION FOR A CHANGE OF VENUE BASED UPON EXTENSIVE PRE-TRIAL PUBLICITY

COMES NOW, ROBERT L. WATKINS, Defendant herein, by and through his undersigned attorney and presents herewith his Motion for a Change of Venue based upon extensive pre-trial publicity, and states as follows:

1. The Defendant, ROBERT L. WATKINS, was indicted for the charge of conspiracy by the Grand Jury sitting during the July, 1981 term of Circuit Court In and For Forrest County, Mississippi. Along with the Defendant, ROBERT L. WATKINS, a co-defendant, Redditt Andrew Fairchild, was also indicted and charged with that same conspiracy.

2. The subject conspiracy specifically charges both defendants with "willfully, unlawfully and feloniously conspiring and agreeing together to commit a crime, to-wit: possession of more than one (1) kilogram of marijuana with the intent to deliver the same to individuals unknown, contrary to and in violation of the Uniform Controlled Substances Act, as amended". Said conspiracy is alleged to have begun the 27th day of July, 1980 and continued up to the 4th day of August, 1980 in Forrest County, Mississippi.

3. It is the belief and understanding of counsel for Defendant, ROBERT L. WATKINS, that the prior co-defendant, Redditt Andrew Fairchild, will be a prosecution witness and testify for the State of Mississippi in the trial of Defendant, ROBERT L. WATKINS.

4. From the time of indictment up to the present there has been extensive pre-trial publicity concerning this case in the Hattiesburg-Laurel, Mississippi area. This extensive publicity was brought about by the increasing awareness and reality of rising

controlled substance violation arrests in Forrest County, Mississippi and the media's concentrated effort to present a clear understanding to the citizens of Forrest County and the surrounding communities of this, somewhat, new problem. The media, in their efforts to cover the subject matter in the most complete manner, has made numerous references to specific cases. The case at bar is one of those cases that has received great attention and publicity in the Hattiesburg-Laurel, Mississippi area. There have been matters and information referred to in said articles by the media that are, or may be, ruled as inadmissible evidence against the Defendant, ROBERT L. WATKINS. Further, said information may be wholly irrelevant and immaterial as it pertains to this Defendant. It would truly not be in the best interests of justice to allow, through the press and other media, information to come before the jury which has not been tested as to truth or veracity by cross-examination or other "right of confrontation" tools as mandated by the Sixth Amendment to the United States Constitution as well as State Constitutions.

5. The local media, especially WDAM TV, in the Hattiesburg-Laurel, Mississippi area has done such an outstanding and complete job in covering the subject matter, that, finding a suitable jury venire or panel that has not heard something about the case or some reference to the alleged facts of this case is so difficult, that, risking any "jury taint" is not in the best interests of justice and the preservation of the Defendant's Constitutional right to a fair and impartial jury. There are numerous cases declaring, essentially, that the right to a "fair and impartial jury" includes the right to a jury that has not been consciously or subconsciously influenced by extensive pre-trial publicity. Other segments of the media that, it is believed, have covered the subject matter and this case with specificity include but are not limited to The Hattiesburg American and The Clarion Ledger of Jackson, Mississippi. Further, there is a possibility that WHSL Radio and WHSY Radio have also had stories concerning the subject matter and this case with specificity.

6. It is respectfully submitted, that, unless the venue of this cause is moved the Defendant will be deprived of a fair trial

as mandated by the Fifth and Fourteenth Amendments to the United States Constitution as well as deprived of other Constitutional rights hereinabove referred to. The State of Mississippi, it is respectfully submitted, will also be deprived and hampered in their obligation to furnish the Defendant, ROBERT L. WATKINS, with a wholly untainted forum in which to present their allegations. The Defendant, ROBERT L. WATKINS, as well as, the State of Mississippi, seeks a result that best serves the principles of fairness and justice.

WHEREFORE, the Defendant, ROBERT L. WATKINS, prays that this Honorable Court grant this motion for change of venue and thereby transferring these proceedings to another judicial district which has not been exposed to extensive pre-trial publicity. Further, the Defendant, ROBERT L. WATKINS, hereby requests an evidentiary hearing on this motion if this Honorable Court deems it necessary to decide the issues herein presented.

Respectfully submitted,

LAW OFFICES OF H. LEE BAUMAN
Attorney for Defendant
2320 South Dixie Highway
Miami, Florida 33133
Telephone: (305) 443-2314

BY: H. Lee Bauman
H. LEE BAUMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for a Change of Venue based upon Extensive Pre-trial Publicity was furnished by mail this 18 day of March, 1983, to: Office of the District Attorney, P.O. Box 207, Hattiesburg, Mississippi 39401.

H. Lee Bauman
H. LEE BAUMAN

FILED
APR 11 1983
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER 10,041

ROBERT L. WATKINS DEFENDANT

ORDER

THIS DAY this Cause came on to be heard for determination of the deadlines for filing and consideration of Pre-Trial Motions, and this Court, having spoken personally with the Office of the District Attorney who represents the State of Mississippi and the Honorable Lee Bauman of Miami, Florida by telephone and having considered the same, doeth find as follows:

That the deadline date for filing Motions in the above styled and numbered Cause is the 22nd day of April, 1983; that the attorney for the Defendant, Lee Bauman, is instructed prior to this date to associate counsel license to practice in the State of Mississippi; and further, that all Motions in the above styled and numbered Cause shall be heard on the 22nd day of April, 1983 at 1:30 P.M. in the Circuit Court of Forrest County.

SO ORDERED AND ADJUDGED on this the 11th day of April, A.D., 1983.

CIRCUIT COURT JUDGE

No. 10,041

State of Mississippi, Forrest County

CIRCUIT COURT

CAPIAS

THE STATE OF MISSISSIPPI

vs.

Robert L. Watkins

I have this day executed this writ by arresting

Robert L. Watkins

This the 26th day of Jan, 19 33

CEPHE WALTERS, Sheriff

Joe Hopstein D. S.

2369

FILED
APR 11 1983
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER 10,041

ROBERT L. WATKINS DEFENDANT

ORDER

THIS DAY this Cause came on to be heard for a Trial setting in the above styled and numbered Cause, and this Court, having consulted with the Office of the District Attorney, representing the State of Mississippi, and the Honorable Lee Bauman of Miami, Florida, and having considered the same, doeth find as follows:

That this Matter shall be set for Trial on the 23rd day of May, 1983, in accordance with the agreement of all parties concerned.

SO ORDERED AND ADJUDGED on this the 11th day of April, A.D., 1983.

CIRCUIT COURT JUDGE

FILED
APR 21 1983
Marlene Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI
VERSUS CAUSE NUMBER 10,041
ROBERT L. WATKINS DEFENDANT

O R D E R

THIS DAY this Cause came on to be heard upon Motion of the Defendant, Robert L. Watkins, by and through his Attorney, the Honorable Lee Bauman of Miami, Florida, seeking to extend the deadline for the filing and consideration of all Pre-trial Motions, the Association of Local Counsel, and to reschedule the Trial date in this Cause, and this Court, having spoken personally with the Office of the District Attorney representing the State of Mississippi and having considered the evidence presented, doeth find that this Motion was well taken and should be sustained.

IT IS, THEREFORE, ORDERED AND ADJUDGED that all Pre-Trial Motions upon behalf of the Defendant must be filed and submitted to this Court no later than the 23rd day of May, 1983 at nine o'clock A.M. (9:00); that all said Motions filed at that time shall be heard and considered by the same Court on the 23rd day of May, 1983 at nine o'clock (9:00) A.M.; that prior to the 23rd day of May, 1983, Counsel for the Defendant is Ordered to associate Local Counsel licensed to practice law in the State of Mississippi; and further, that this Matter is set for a Trial for other disposition on the 30th day of May, 1983 at nine o'clock (9:00) A.M.

SO ORDERED AND ADJUDGED on this the 21st day of

April, A.D., 1983.

CIRCUIT COURT JUDGE

FILED
CIRCUIT CLERK

MAY 4 1983

IN THE CIRCUIT COURT OF THE 12TH
JUDICIAL CIRCUIT IN AND FOR
FORREST COUNTY, MISSISSIPPI

CAUSE NUMBER 10,041

MAY 4 1983

STATE OF MISSISSIPPI,)
Plaintiff,)
vs.)
ROBERT L. WATKINS,)
Defendant.)

MOTION FOR CONTINUANCE

COMES NOW, ROBERT L. WATKINS, Defendant herein, by and through his undersigned attorney and presents herewith his Motion for a Continuance and states as follows:

1. The Defendant has been charged by way of Indictment with conspiracy to possess possession of more than one kilogram of marijuana with the intent to deliver the same to individuals unknown, contrary to and in violation of the Uniform Controlled Substances Act, as amended.

2. Presently the 23rd day of May, 1983 is the deadline set by this Honorable Court for the submission and hearing of all motions in this matter.

3. The trial or other disposition of this cause has been scheduled for the 30th day of May, 1983.

4. Due to the complex nature of the charges asserted against the Defendant, ROBERT L. WATKINS, and the extensive preparation required in defense of said charges, the Defendant is in need of additional time in which to prepare his defense.

5. This motion for a continuance is submitted with the knowledge and consent of the Defendant, ROBERT L. WATKINS.

WHEREFORE, the Defendant, ROBERT L. WATKINS, respectfully prays that this Honorable Court continue the date for the filing and hearing of all motions in this cause and continue the trial date heretofore set to some future date.

Respectfully submitted,

LAW OFFICES OF H. LEE BAUMAN
Attorney for Defendant
2320 South Dixie Highway
Miami, Florida 33133
Telephone: (305) 445-2314

BY: ______________________
H. LEE BAUMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Continuance was furnished by mail this 29 day of April, 1983, to: Paul H. Holmes, Assistant District Attorney, Office of the District Attorney, P.O. Box 207, Hattiesburg, Mississippi 39401.

H. LEE BAUMAN

IN THE CIRCUIT COURT OF THE 12TH
JUDICIAL CIRCUIT IN AND FOR
FORREST COUNTY, MISSISSIPPI

MAY 9 1983

CAUSE NUMBER 10,041

STATE OF MISSISSIPPI,)
Plaintiff,)
vs.)
ROBERT L. WATKINS,)
Defendant.)

WAIVER OF SPEEDY TRIAL

COMES NOW, ROBERT L. WATKINS, Defendant herein, by and through his undersigned attorney and formally herewith waives his right to speedy trial in this cause. The trial in this cause is presently set for the 30th day of May, 1983.

Respectfully submitted,

LAW OFFICES OF H. LEE BAUMAN
Attorney for Defendant
2320 South Dixie Highway
Miami, Florida 33133
Telephone: (305) 445-2314

BY: H. Lee Bauman
H. LEE BAUMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by Federal Express this 6th day of May, 1983, to: Katie Matison, Assistant District Attorney, Office of the District Attorney, P.O. Box 207, Hattiesburg, Mississippi 39401.

H. Lee Bauman
H. LEE BAUMAN

FILED
MAY 9 - 1983
[illegible]
CIRCUIT CLERK

IN THE CIRCUIT COURT OF THE 12TH
JUDICIAL CIRCUIT IN AND FOR
FORREST COUNTY, MISSISSIPPI

CAUSE NUMBER 10,041

STATE OF MISSISSIPPI,)
Plaintiff,)
vs.)
ROBERT L. WATKINS,)
Defendant.)

ORDER GRANTING DEFENDANTS MOTION FOR CONTINUANCE

THIS CAUSE having come on to be heard before me, upon the Defendant, ROBERT L. WATKINS, Motion for a Continuance, and the Court having considered said motion and the response of the Government, it is hereby

ORDERED AND ADJUDGED that Defendant's Motion for a Continuance of the trial which is presently set for the 30th day of May, 1983 in this cause be continued to a later date.

DONE AND ORDERED in Chambers at Forrest County, Hattiesburg, Mississippi, this 9th day of May, 1983.

JUDGE - CIRCUIT COURT

Copies furnished to:
H. Lee Bauman, Esquire
Office of the District Attorney

FILED
MAY 11 1983
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS

CAUSE NUMBER 10,041

ROBERT L. WATKINS

DEFENDANT

ORDER

THIS DAY this Cause came on to be heard upon the Motion of the Honorable Lee Bauman, who represents the above named Defendant, seeking to waive the right to a speedy Trial in this Cause and this Court, having heard and considered the Motion doeth find that it is well taken and should be sustained.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Defendant, by and through his Attorney, the Honorable Lee Bauman, has waived his right to a speedy trial.

SO ORDERED AND ADJUDGED on this the 11th day of May, A.D., 1983.

CIRCUIT COURT JUDGE

FILED
OCT 19 1983

CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS. CAUSE NO. 10,041

ROBERT L. WATKINS DEFENDANT

ORDER SETTING FOR TRIAL

THIS DATE, THIS CAUSE, came on for consideration the Motion for Change of Venue, filed by the Defendant, Robert L. Watkins, and the Court being advised that the State of Mississippi desires to confess the said Motion, finds that it is not necessary to have a hearing concerning the same, and the Court further finds that the said Motion should be sustained.

IT IS THEREFORE, ORDERED AND ADJUDGED, that the Motion for Change of Venue, filed by the Defendant, Robert L. Watkins, is hereby sustained.

IT IS FURTHER ORDERED AND ADJUDGED that the trial of this matter shall be held on December 12, 1983, in the First Judicial District of the Circuit Court of Harrison County, Mississippi, which said Court sits in Gulfport, Mississippi, but it is also ORDERED AND ADJUDGED that venue will remain in the Forrest County Circuit Court until November 30, 1983, which is the deadline hereby set for the filing and hearing of all pre-trial Motions, and it is also ORDERED AND ADJUDGED that all pre-trial Motions shall bear the style and cause number of this instant case, and shall be heard in Hattiesburg, Mississippi, in view of the fact that venue is being retained in the Forrest County Circuit Court until after November 30, 1983, at which time a final Order transferring venue to the First Judicial District of the Circuit Court of Harrison County, Mississippi, will be entered.

SO ORDERED AND ADJUDGED, on this, the 19th. day of October, 1983.

CIRCUIT COURT JUDGE

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

FILED
NOV 22 1983
Marian Brown
CIRCUIT CLERK

STATE OF MISSISSIPPI,

VERSUS **CAUSE NO.** 10,041

ROBERT L. WATKINS **DEFENDANT**

JUDGMENT NISI AGAINST PRINCIPAL AND SURETIES

ON THIS DAY came the District Attorney who prosecutes for the State of Mississippi, and the Defendant, Robert L. Watkins **, being solemnly called into open Court by the Sheriff of Forrest County, Mississippi, came not and wholly made default.**

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Appearance Bond of the Said Robert L. Watkins **whereon** Mr. Waltman **and** Delta Bonding Company **are Sureties in the sum of $** ($100,000) **, be, and the same is hereby, forfeited and that Scire Facias be issued by the Clerk of this Court to said Defendant and Sureties, Commanding them to be and appear at the next regular term of this Court, then and there to show cause, if any they can, why judgment against them for said sum and all costs should not be made final, and that Alias Capias issue for the said Defendant,** Robert L. Watkins **, returnable instanter.**

SO ORDERED AND ADJUDGED on this the 22nd **day of** November **, A.D., 19**83

L. McGh[illegible]
CIRCUIT COURT JUDGE

SCIRE FACIAS - Forfeited Recognizance

THE STATE OF MISSISSIPPI,

FILED
DEC 1 - 1983
Marian Brown
CIRCUIT CLERK

10,041

To the Sheriff of Forrest County, Greetings:

Whereas, at the November Term 19 83 of the Circuit Court of said County and State Robert L. Watkins, who has been recognized to appear at November Term 19 83 of said Court, to answer unto the State of Mississippi, of a charge of Conspiracy by Affidavit, being called, came not, but fails: and Mr. [illegible] Waltman and Delta Bonding Company his security on his bond, being called to bring with him the body of the said Robert L. Watkins into this Court, came not but failed.

WHEREUPON, it was ordered by the Court that the State of Mississippi recover of and from the said Robert L. Watkins the sum of One hundred thousand ($100,000.00) Dollars, and of from the said Delta Bonding Company his said bail, the sum of One hundred thousand ($100,000.00) Dollars unless they severally appear at the next term of said Court and show good cause to the contrary.

You are, therefore, hereby commanded to cite the said Defendant and his said bail to personally appear before said Court to be holden in and for said County at the Courthouse thereof, in the City of Hattiesburg, Mississippi, on the 1st Monday of January, 19 84 to do and perform in the premises that which may be right and proper. And have then there this writ.

WITNESS my hand and seal of office, and issued the 22nd day of November, A.D., 19 83.

Marian Brown
CLERK OF SAID COURT

BY: ______________________________, D.C.

SCIRE FACIAS - Forfeited Recognizance

THE STATE OF MISSISSIPPI, FORREST COUNTY

FILED
DEC 1 - 1983
Marian Brown
CIRCUIT CLERK

10,041

To the Sheriff of Forrest County, Greetings:

Whereas, at the November Term 19 83 of the Circuit Court of said County and State Robert L. Watkins, who has been recognized to appear at November Term 19 83 of said Court, to answer unto the State of Mississippi, of a charge of Conspiracy by Affidavit, being called, came not, but fails: and Mr. Richard Waltman and Delta Bonding Company his security on his bond, being called to bring with him the body of the said Robert L. Watkins into this Court, came not but failed.

WHEREUPON, it was ordered by the Court that the State of Mississippi recover of and from the said Robert L. Watkins the sum of One hundred thousand ($100,000.00) Dollars, and of from the said Delta Bonding Company his said bail, the sum of One hundred thousand ($100,000.00) Dollars unless they severally appear at the next term of said Court and show good cause to the contrary.

You are, therefore, hereby commanded to cite the said Defendant and his said bail to personally appear before said Court to be holden in and for said County at the Courthouse thereof, in the City of Hattiesburg, Mississippi, on the 1st Monday of January, 19 84 to do and perform in the premises that which may be right and proper. And have then there this writ.

WITNESS my hand and seal of office, and issued the 22nd. day of November, A.D., 19 83.

Marian Brown
CLERK OF SAID COURT

BY: ____________________, D.C.

21

SERVICE [illegible]

I have, this [illegible]
Delta Bonding Co
Defendant, [illegible]
of same [illegible] Walter Lee [illegible] is
Agent [illegible]
This the 30th [illegible] Nov 19 82
Gene Walker
By: [illegible] Morgan
Deputy Sheriff

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

FILED
DEC 19 1983
Marian Brown
CIRCUIT CLERK

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER 10,041

ROBERT L. WATKINS DEFENDANT

ORDER OF CONTINUANCE

ON THIS DAY this cause came on for hearing upon Motion of the District Attorney for a trial setting, and the Court, having heard evidence in support of said Motion, FINDS that the Defendant herein, Robert L. Watkins, is a fugitive from justice; that the State of Mississippi is ready, willing and able to provide the Defendant with a trial herein; that the State of Mississippi is unable to proceed due to the absence of the Defendant; and that said Cause should be continued until such time as the Defendant is available for trial purposes.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the above styled and numbered Matter be, and is it hereby, continued for the term.

SO ORDERED AND ADJUDGED on this the 19th day of December, A. D., 1983.

CIRCUIT COURT JUDGE

FILED
DEC 28 1983
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI
12th CIRCUIT DISTRICT

STATE OF MISSISSIPPI

VS NO. 10,041 ✓

ROBERT L. WATKINS

MOTION TO SET ASIDE BOND FORFEITURE AND RE-ADMIT TO BAIL

Comes now Robert Watkins, Defendant in the above styled and numbered cause, through his attorney for the following purpose, Honorable Vincent Sherry, and moves this Honorable Court to set aside bond forfeiture entered in this cause and to re-admit him to bail, and in support of this motion would show the following facts:

I.

The Movant/Defendant was indicted by the Grand Jury of Forrest County for the offense of conspiracy.

II.

The Movant/Defendant would show that he thereafter retained one. H. Lee Bauman of the Florida Bar to represent him in this cause, and because of difficulty in contacting Mr. Bauman, he also consulted John Comish, an attorney of Baton Rouge, Louisiana, but without releasing Mr. Bauman. The Movant/Defendant would further show this cause was set for trial on 21 November, 1983, but that he was not told of this setting by Mr. Bauman. The Movant/Defendant would further show that he was first advised of the 21 November, 1983 trial date on 10 December, 1983.

III.

Your Movant/Defendant would further show that it is his intention to retain Hattiesburg counsel to assist in his defense, and to this end it is important that he be permitted to come to Hattiesburg with his Florida attorney without fear of incarceration to select and confer with counsel.

WHEREFORE, PREMISES CONSIDERED, Movant/Defendant requests that the forfeiture entered earlier in this cause be set aside and he be again admitted to bail.

Respectfully submitted,

Robert L. Watkins

By: Vincent Sherry
Vincent Sherry
Counsel for Movant

CERTIFICATE

I, the undersigned, attorney of record for Robert Watkins, in the above styled and numbered cause, hereby certify that I have this day forwarded, or in the alternative hand delivered a a true and correct copy of the above and foregoing Forfeiture Motion to Set Aside Bond And Re-admit To Bail, to Honorable Paul H. Holmes, P. O. Box 207, Hattiesburg, Mississippi 39401.

Vincent Sherry
ATTORNEY FOR DEFENDANT

DATED: 27 Dec 1983

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

FILED
JAN 5 1984
Marian Brown
CIRCUIT CLERK

STATE OF MISSISSIPPI,

VERSUS

CAUSE NO. 10,041

ROBERT L. WATKINS

DEFENDANT

FINAL JUDGMENT AGAINST PRINCIPAL AND SURETIES ON BOND

ON THIS DAY this Cause came on to be heard upon Motion of State of Mississippi, to confirm the Judgment Nisi previously entered against Defendant, Robert L. Watkins, and Delta Bonding Co. and ________ Sureties, in the amount of $ 100,000.00 at the November 19 83, Term of this Court, and the Court, having been advised in the premises, FINDS that Judgment Nisi was entered in the amount of $ 100,000.00 against Defendant, Robert L. Watkins and the Sureties on bail bond Delta Bonding Co and ________ on which Judgment Scire Facias was issued against the Pincipal and Sureties returnable to the January 3 19 84 Term of this Court, requiring them to show cause why said Judgment should not be confirmed and that the Sheriff's return on the Scire Facias reflects personal service or the Sureties on the 30th day November, 19 83, and also reflects that the Principal Robert L. Watkins was not found in the County.

THEREUPON the Court again caused the Defendant and Sureties to be called unto open Court, the Defendent failed to come into Court and answer the charge but made default, and the Sureties having been solemnly called to come into Court and bring with them the body of the said Robert L. Watkins to answer said charge, came not but made default, nor did they show any cause why said judgment should not be made absolute.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Judgment heretofore rendered in favor of the State of Mississippi in the amount of $ 100,000.00 against Robert L. Watkins and Delta Bonding Company is hereby confirmed, made final and absolute, and the State of Mississippi may have execution of said Judgment against said Sureties.

SO ORDERED AND ADJUDGED on this the 5th day of January A.D., 19 84

CIRCUIT JUDGE

3

FILED
JAN 25 1984
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER 10,041

ANDREW REDDITT FAIRCHILD DEFENDANT

ORDER OF CONTINUANCE

ON THIS DAY this Cause came on to be heard upon Motion of the Defendant, by and through his attorney of record, the Honorable Jolly Matthews, to continue the above styled and numbered Cause and waiving a speedy trial, and the Court having heard and considered said Motion, finds that no prejudice would result to the Defendant because of said continuance and that said Motion should be sustained.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the above styled and numbered Cause be, the same is hereby, continued for the Term and Defendant has waived his right to a speedy trial for this Term.

SO ORDERED AND ADJUDGED on this the 24th day of January, A.D., 1984.

CIRCUIT COURT JUDGE

STATE OF MISSISSIPPI

COUNSEL FOR DEFENDANT

FILED
MAR 12 1984
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER 10,041

ROBERT L. WATKINS DEFENDANT

ORDER OF CONTINUANCE

ON THIS DAY this cause came on for hearing upon Motion of the District Attorney for a trial setting, and the Court, having heard evidence in support of said Motion, FINDS that the Defendant herein, Robert L. Watkins, is a fugitive from justice; that the State of Mississippi is ready, willing and able to provide the Defendant with a trial herein; that the State of Mississippi is unable to proceed due to the absence of the Defendant; and that said Cause should be continued until such time as the Defendant is available for trial purposes.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the above styled and numbered Matter be, and is it hereby, continued for the term.

SO ORDERED AND ADJUDGED on this the 12th day of March, A. D., 1984.

L. McElroy
CIRCUIT COURT JUDGE

FILED
MAR 19 1984
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER 10,041

ROBERT WATKINS DEFENDANT

ORDER OF CONTINUANCE

ON THIS DAY this cause came on for hearing upon Motion of the District Attorney for a trial setting, and the Court, having heard evidence in support of said Motion, FINDS that the Defendant herein, Robert Watkins, is a fugitive from justice; that the State of Mississippi is ready, willing and able to provide the Defendant with a trial herein; that the State of Mississippi is unable to proceed due to the absence of the Defendant; and that said Cause should be continued until such time as the Defendant is available for trial purposes.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the above styled and numbered Matter be, and is it hereby, continued for the term.

SO ORDERED AND ADJUDGED on this the 19th day of March, A. D., 1984.

CIRCUIT COURT JUDGE

FILED
MAR 19 1984
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER ~~10,030~~ 10,041

REDDITT ANDREW FAIRCHILD DEFENDANT

ORDER OF CONTINUANCE

ON THIS DAY this Cause came on to be heard upon Motion of the Defendant, by and through his attorney of record, the Honorable Carol Ingram, to continue the above styled and numbered Cause and waiving a speedy trial, and the Court having heard and considered said Motion, finds that no prejudice would result to the Defendant because of said continuance and that said Motion should be sustained.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the above styled and numbered Cause be, the same is hereby, continued for the Term and Defendant has waived his right to a speedy trial for this Term.

SO ORDERED AND ADJUDGED on this the 19th day of March, A.D., 1984.

CIRCUIT COURT JUDGE

STATE OF MISSISSIPPI

James W. Gladden Jr.
COUNSEL FOR DEFENDANT

FILED
MAR 19 1984
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER 10,041

REDDITT ANDREW FAIRCHILD DEFENDANT

ORDER OF CONTINUANCE

ON THIS DAY this Cause came on to be heard upon Motion of the Defendant, by and through his attorney of record, the Honorable Milton Schlesinger, to continue the above styled and numbered Cause and waiving a speedy trial, and the Court having heard and considered said Motion, finds that no prejudice would result to the Defendant because of said continuance and that said Motion should be sustained.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the above styled and numbered Cause be, the same is hereby, continued for the Term and Defendant has waived his right to a speedy trial for this Term.

SO ORDERED AND ADJUDGED on this the 19th day of March A.D., 1984.

CIRCUIT COURT JUDGE

Katie Matison
STATE OF MISSISSIPPI

Milton Schlesinger
COUNSEL FOR DEFENDANT

FILED
APR 9 1984
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS

ROBERT L. WATKINS

CAUSE NUMBER 10,041

DEFENDANT

ORDER

ON THIS DAY this Cause came on to be heard upon Motion, ore tenus, of the State of Mississippi, by and through the Office of the District Attorney, pursuant to Section 83-39-7 of the Mississippi Code of 1972, as amended, seeking to declare that the Final Judgment Against Principle and Sureties on Bond in the above styled and numbered Cause entered against Robert L. Watkins and George Hitt, d/b/a Delta Bonding Company on the 5th day of January, 1984, in the amount of one hundred thousand dollars ($100,000.00) has not been paid within the ninety- (90-) day statutory period thereafter, and that the Qualification Bond of the said professional bail bondsman, George Hitt, d/b/a Delta Bonding Company should be Forfeited to Forrest County and that the license of the said George Hitt, d/b/a Delta Bonding Company should be revoked, and this Court, having heard the evidence presented and considered the same, doth find that this Motion is well taken and should be sustained.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Qualification Bond of George Hitt, d/b/a Delta Bonding Company should be and the same is hereby Forfeited to satisfy the one hundred thousand dollar. ($100,000.00) Judgment against the Defendant and the Commissioner of Insurance is Ordered and directed to satisfy the same out of the Qualification Bond on file in his office and he shall further revoke the license of the said professional bail bondsman to act as Surety on any further bail or recognizance.

SO ORDERED AND ADJUDGED on this the 6th day of April, A.D., 1984.

CIRCUIT COURT JUDGE

● SENDER: Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☒ Show to whom and date delivered ______ ¢
☐ Show to whom, date, and address of delivery.. ¢
2. ☐ RESTRICTED DELIVERY ¢
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $____

3. ARTICLE ADDRESSED TO:

Mr. Lee Fedric, V.P
P. O. Box 1179
Jackson, MS 39215-1179

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

Kern Montgomery

5. DATE OF DELIVERY
APR 2 5 1984

POSTMARK
APR 25 1984

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

P 208 840 032

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO Lee Fedric, V.P Peoples	
STREET AND NO. P.O. Box 1179 Bk of MS	
P.O., STATE AND ZIP CODE Jackson, MS 39215-1179	
POSTAGE	$
CERTIFIED FEE	¢
SPECIAL DELIVERY	¢
RESTRICTED DELIVERY	¢
SHOW TO WHOM AND DATE DELIVERED	¢
SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	¢
SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	¢
TOTAL POSTAGE AND FEES	$ [illegible]
POSTMARK OR DATE	

CONSULT POSTMASTER FOR FEES

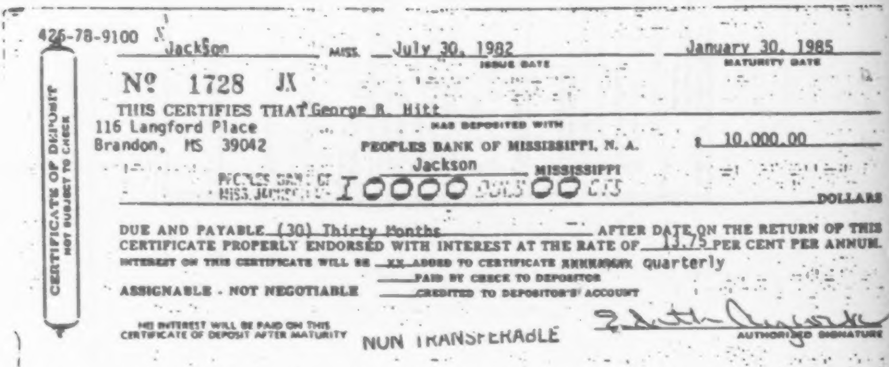
OPTIONAL SERVICES

RETURN RECEIPT SERVICE

PS Form 3800, Apr. 1976

10,041
State vs Watkins

FILED
APR 23 1984
Marian Brown
CIRCUIT CLERK



426-78-9100 Jackson MISS. July 30, 1982 January 30, 1985
ISSUE DATE MATURITY DATE

CERTIFICATE OF DEPOSIT
NOT SUBJECT TO CHECK

Nº 1728 JX

THIS CERTIFIES THAT George R. Hitt
116 Langford Place
Brandon, MS 39042
HAS DEPOSITED WITH
PEOPLES BANK OF MISSISSIPPI, N. A. $ 10,000.00
Jackson MISSISSIPPI

PEOPLES BANK OF MISS. JACKSON 10000 DOLS 00 CTS DOLLARS

DUE AND PAYABLE (30) Thirty Months AFTER DATE ON THE RETURN OF THIS CERTIFICATE PROPERLY ENDORSED WITH INTEREST AT THE RATE OF 13.75 PER CENT PER ANNUM.

INTEREST ON THIS CERTIFICATE WILL BE XX ADDED TO CERTIFICATE ~~ANNUALLY~~ quarterly
PAID BY CHECK TO DEPOSITOR
ASSIGNABLE - NOT NEGOTIABLE CREDITED TO DEPOSITORS' ACCOUNT

NO INTEREST WILL BE PAID ON THIS CERTIFICATE OF DEPOSIT AFTER MATURITY

NON TRANSFERABLE

AUTHORIZED SIGNATURE

37

MISSISSIPPI
Department of Insurance

GEORGE DALE
Commissioner

WOOLEY D. BOX
Deputy Commissioner

1804 Walter Sillers Bldg.
Post Office Box 79
Jackson, Mississippi 39205-0079
Telephone
(601) 359-3569

April 20, 1984

FILED
APR 23 1984
Marian Brown
CIRCUIT CLERK

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Honorable Mirian Brown, Circuit Clerk
Circuit Court
Forrest County, Mississippi
Post Office Box 807
Hattiesburg, Mississippi 39401

Dear Mrs. Brown:

We enclose the following described securities deposited with this Department by George Hitt. Said securities have been endorsed payable to said Court of Forrest County, Mississippi.

> Peoples Bank of Mississippi, N. A. Jackson, Mississippi, 13.75% Certificate of Deposit Number 1728, dated July 30, 1982, due January 30, 1985, registered in the name of George B. Hitt, with Irrevocable Power of Attorney to the Commissioner of Insurance attached............$10,000.00

The enclosed $10,000.00 Certificate of Deposit represents the total Qualification Bond filed with this office by George Hitt. Said Certificate of Deposit is being forwarded to you pursuant to Order in the Circuit Court of Forrest County, Mississippi in Cause Number 10,041, styled State of Mississippi versus ROBERT L. WATKINS on which George Hitt, d/b/a Delta Bonding Company is surety.

Please acknowledge receipt of the above securities by signing and returning the enclosed copy of letter to this office.

Yours very truly,

GEORGE DALE
COMMISSIONER OF INSURANCE

BY Charles U. Banks
Charles U. Banks
Director of Securities

GD/CUB/llc
Enc.

FILED
APR 23 1984
Marian Brown
CIRCUIT CLERK

STATE OF MISSISSIPPI

IRREVOCABLE POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that the undersigned George B. Hitt does hereby sell, assign and transfer to the Commissioner of Insurance and his successors in office

the following described securities currently outstanding and registered in the name of the above person on the books of Peoples Bank of Mississippi, N. A., Jackson, Mississippi as per the following certificates and/or passbooks,

viz: No. 1728 JX dated and/or issued July 30, 1982, for

$10,000.00 Certificate of Deposit

and hereby irrevocably appoint and authorized the Commissioner of Insurance and his successors in office, to make for and in the name of and stead of the undersigned, the necessary transfer of said securities above-described on the books of said institution, with power also to appoint and authorize one or more persons as a substitute or substitutes therefor, with like full power, hereby ratifying and confirming all that shall be lawfully done under authorization herein granted, it being expressly understood that the above appointment, assignment and transfer is for the sole purpose of effecting compliance with the requirements of Chapter 39, Title 83, Mississippi Code of 1972, Annotated and Amended, as relates to deposit of securities by Professional Bail Bondsmen which are licensed in the State of Mississippi under provision of the said statutes.

Signed, sealed and given at Jackson, Mississippi this the 19th day of August, A. D. 1982.

ACKNOWLEDGMENT

State of Mississippi

County of Hinds

Personally appeared before me the within named George B. Hitt who acknowledged that he executed, signed and delivered the foregoing instrument as his act and deed for the purposes therein mentioned on the day and date therein named.

Witness my hand and seal of office this 19th day of August 1982

Charles U. Banks
(Notary Public)

My Commission Expires My Commission Expires Aug. 21, 1985

****

RECEIPT AND ACCEPTANCE OF THE IRREVOCABLE POWER OF ATTORNEY

I Edith [illegible] do hereby certify that I am Vice President (Title) for the within-named institution which issued the securities described herein, and further certify that receipt of the foregoing instrument is hereby acknowledged and has been duly noted in the records of this institution; further, that no release of said securities will be made, pending our receipt of further written instructions from the within-named and designated Attorney, or until said attorney does by written notice revoke this instrument.

Witness my hand and seal this 19 day of August, 1982, in the City of Jackson State of Mississippi.

WITNESS:

Peoples Bank of Mississippi N.A.
(Name of Issuing Institution)

BY Edith [illegible] VP
(Signature of Officer) (Title)

FILED
APR 23 1984
Marian Brown
CIRCUIT CLERK

BEFORE THE DEPARTMENT OF INSURANCE
OF THE STATE OF MISSISSIPPI

RE: QUALIFICATION BOND OF
GEORGE HITT d/b/a DELTA
BONDING COMPANY

ORDER

THIS DAY, THIS MATTER came on for hearing at the offices of the Commissioner of Insurance of the State of Mississippi, Suite 1804, Walter Sillers State Office Building, Jackson, Mississippi, before the Honorable George Dale, Commissioner of Insurance of the State of Mississippi, on Thursday, April 19, 1984, in accordance with the applicable Mississippi Statutes, heard evidence and after hearing the evidence and testimony presented and after full consideration of the aforesaid matter, does hereby find and determine as follows, to-wit:

I.

That the Commissioner of Insurance of the State of Mississippi is in receipt of an Order from the Circuit Court of Forrest County, Mississippi in Cause Number 10,041 forfeiting the bond of Robert L. Watkins, in the amount of One Hundred Thousand Dollars ($100,000.00) on which said George Hitt d/b/a Delta Bonding Company, is surety;

That a copy of the aforesaid Order is hereto attached and made a part hereof as if completely copied herein in lines, words and figures and marked as Exhibit "A" hereto.

II.

That the aforesaid Order from the Circuit Court of Forrest County, Mississippi signed by the Honorable Richard W. McKenzie, was issued pursuant to the provisions of Section 83-39-7, Mississippi Code of 1972, as Amended, and orders and directs the Commissioner of Insurance of the State of Mississippi to satisfy the above referred bond forfeiture out of the Qualification Bond of the said George Hitt, d/b/a Delta Bonding Company presently on deposit with the Commissioner of Insurance and further provides that the Department of Insurance deposit with the Circuit Court of Forrest County, Mississippi an amount equal to the amount of the bond that was posted by the said George Hitt, d/b/a Delta Bonding Company and declared forfeited by the Circuit Court of Forrest County, Mississippi should such Qualification Bond be sufficient to satisfy such bond forfeiture and judgment.

Exhibit "A"

III.

That the amount of the Qualification Bond posted by the said George Mitt, d/b/a Delta Bonding Company presently on deposit with the Commissioner of Insurance is in the amount of Ten Thousand Dollars ($10,000.00) plus accrued interest.

WHEREFORE, PREMISES CONSIDERED, IT IS ORDERED AND ADJUDGED that the Ten Thousand Dollar ($10,000.00) Qualification Bond plus accured interest belonging to George Mitt,d/b/a Delta Bonding Company, presently on deposit with the Commissioner of Insurance of the State of Mississippi be withdrawn and made payable to the Circuit Court of Forrest County, Mississippi to partially satisfy the aforementioned bond forfeiture in accordance with the attached Exhibit.

SO ORDERED this the 19th day of April, 1984.

GEORGE DALE
COMMISSIONER OF INSURANCE

FILED
APR 9 1984
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS

ROBERT L. WATKINS

CAUSE NUMBER 10,041

DEFENDANT

O R D E R

ON THIS DAY this Cause came on to be heard upon Motion, ore tenus, of the State of Mississippi, by and through the Office of the District Attorney, pursuant to Section 83-39-7 of the Mississippi Code of 1972, as amended, seeking to declare that the Final Judgment Against Principle and Sureties on Bond in the above styled and numbered Cause entered against Robert L. Watkins and George Hitt, d/b/a Delta Bonding Company on the 5th day of January, 1984, in the amount of one hundred thousand dollars ($100,000.00) has not been paid within the ninety- (90-) day statutory period thereafter, and that the Qualification Bond of the said professional bail bondsman, George Hitt, d/b/a Delta Bonding Company should be Forfeited to Forrest County and that the license of the said George Hitt, d/b/a Delta Bonding Company should be revoked, and this Court, having heard the evidence presented and considered the same, doth find that this Motion is well taken and should be sustained.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Qualification Bond of George Hitt, d/b/a Delta Bonding Company should be and the same is hereby Forfeited to satisfy the one hundred thousand dollar. ($100,000.00) Judgment against the Defendant and the Commissioner of Insurance is Ordered and directed to satisfy the same out of the Qualification Bond on file

Exhibit "B"

in his office and he shall further revoke the license of the said professional bail bondsman to act as Surety on any further bail or recognizance.

SO ORDERED AND ADJUDGED on this the 6th day of April, A.D., 1984.

L. McG

CIRCUIT COURT JUDGE

ATTEST

A True Copy

This the 18 day of Apr 1984

LILLIAN BROWN, Clerk

CIRCUIT COURT, FORREST

COUNTY, MISSISSIPPI

By Marian Brown

PEOPLES BANK OF MISSISSIPPI, N.A.

$10,041
States within

FILED
APR 26 1984
Marian Brown
CIRCUIT CLERK

April 25, 1984

Honorable Mirian Brown
Circuit Clerk
Forrest County
P. O. Box 807
Hattiesburg, MS 39401

Dear Honorable Brown:

Enclosed is our check in the amount of $10,000.00 representing the proceeds from Certificate of Deposit #1728 which you sent to me for redemption.

If I can be of further assistance, please give me a call at 969-1515.

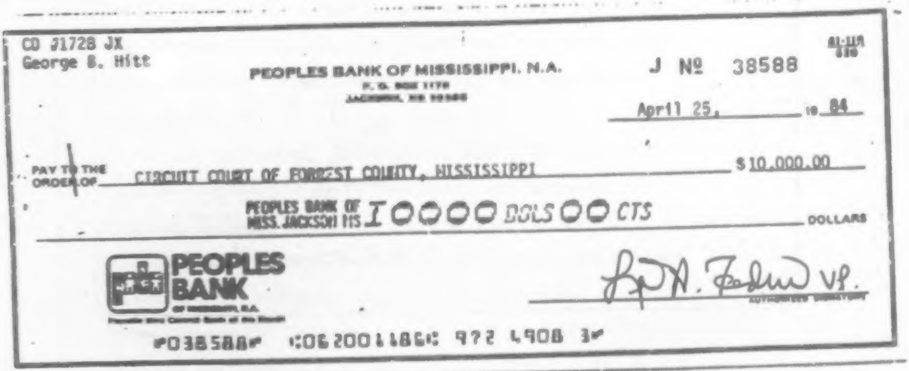
Sincerely,

Lee H. Fedric
Vice President

21

LHF/gb

Enclosure



CD #1728 JX
George B. Hitt

PEOPLES BANK OF MISSISSIPPI, N.A.

J № 38588

April 25, 19 84

PAY TO THE ORDER OF CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI $10,000.00

PEOPLES BANK OF MISS. JACKSON MS 10000 DOLS 00 CTS DOLLARS

PEOPLES BANK

Lee H. Fedric VP.

⑈038588⑈ ⑆0620011860⑆ 972 4908 3⑈

FILED
JUN 1 1984
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER 10,041

REDDETT ANDREW FAIRCHILD DEFENDANT

ORDER OF CONTINUANCE

ON THIS DAY this Cause came on to be heard upon Motion of the Defendant, by and through his attorney of record, the Honorable Karl Kepper, to, continue the above styled and numbered Cause and waiving a speedy trial, and the Court having heard and considered said Motion, finds that no prejudice would result to the Defendant because of said continuance and that said Motion should be sustained.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the above styled and numbered Cause be, the same is hereby, continued for the Term and Defendant has waived his right to a speedy trial for this Term.

SO ORDERED AND ADJUDGED on this the 1st day of June, A.D., 1984.

CIRCUIT COURT JUDGE

Glen L. White
STATE OF MISSISSIPPI

Karl W. Kepper
COUNSEL FOR DEFENDANT

FILED
AUG 3 1984
Marian Brown
CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI	
VERSUS	CAUSE NUMBER
REDDIT ANDREW FAIRCHILD, Defendant	10,041

ORDER OF CONTINUANCE

THIS DAY this cause came on to be heard on motion ore tenus for continuance, by defendant, Reddit Andrew Fairchild, by and through his attorney of record, and after the Court having fully heard and considered said motion finds:

That a Federal Grand Jury is in session and is considering matters related to the above cause, and that said cause should be continued until the November, 1984, Term of Circuit Court.

IT IS, THEREFORE, THE ORDER AND JUDGMENT OF THE COURT that the motion to continue for [illegible] in the above styled and numbered cause to the November, 1984, Term of Circuit Court should be, and it is hereby, sustained.

DONE, ORDERED AND ADJUDGED, on this the 3rd day of August, A.D., 1984.

CIRCUIT JUDGE

FILED
NOV 20 1984
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER 10,041

REDDITT ANDREW FAIRCHILD DEFENDANT

ORDER

ON THIS DAY this Cause came on to be heard upon the Joint Motion of both the Defendant, by and through the Attorney of Record, Honorable Karl Kepper, and the State of Mississippi, by and through the Office of the District Attorney, to continue the above styled and numbered Cause for sentencing, for the reason that the Defendant's father is due to go on trial the first part of December, 1984, the Federal Government has indicated that the trial may involve dealings with the above styled and numbered Cause, and while the State of Mississippi, has been cooperating with the Federal Government, the State of Mississippi has not been privy to all of the material collected with reference to this investigation, and delaying the Matter for sentencing would enable this Court to have the benefit of all Matter which was introduced at trial, and further that the Defendant would waive any right for a speedy sentencing hearing, and the Court after considering the same, finds that the Motion was well taken and should be sustained.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the above and foregoing Cause is hereby Continued for Sentencing with reference to the Defendant, Reddett Andrew Fairchild until the January, 1985

91

[redacted]

This Certificate is governed by all laws and regulations with which this Bank must comply.

No assignment of this deposit shall be binding upon Peoples Bank of Mississippi, N. A. or its successor or assigns until written notice of such assignment signed by the payee or the last registered assignee shall have been acknowledged by this Bank.

This Bank reserves the right to set off any indebtedness of the payee or the last registered assignee to it due, or which it may mature, prior to said acknowledgment.

It is further agreed that when two or more names appear hereon and the account shall be designated a Joint Account, said joint owners agree, by and between themselves, that all fund now or hereafter deposited in or to this account shall be owned by them as joint tenants with the right of survivorship and not as tenants in common; further that all or any part of said funds may be assigned or withdrawn by them upon the sole act of either of them during their joint lives.

Endorsed payable to Circuit Court of Forrest County, Mississippi in accordance with the attached Irrevocable Power of Attorney and Order by the Commissioner of Insurance dated 19th April, 1984.

George Dale

GEORGE DALE
COMMISSIONER OF INSURANCE
STATE OF MISSISSIPPI

Term of Court.

SO ORDERED AND ADJUDGED on this the 28th day of November, A.D., 1984.

CIRCUIT COURT JUDGE

APPROVED AS THE FORM:

Glenn L. White
GLENN L. WHITE
DISTRICT ATTORNEY

Karl Kepper
KARL KEPPER
ATTORNEY FOR DEFENDANT

FILED

FEB 6 1985

CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER 10,041

DREW FAIRCHILD DEFENDANT

O R D E R

ON THIS DAY this Cause came on to be heard upon the Court's own Motion to Continue the above styled and numbered Cause, to allow the Department of Corrections to complete a Pre-sentence Report with reference to the Defendant, Drew Fairchild, and further for the reason to allow the Court to have the benefit of certain material that has been developed with the Federal Court, and the Defendant, by and through his Attorney of Record, Honorable Karl Kepper having no objection thereto, the State of Mississippi also having no objection, the Court finds that said Matter be, the same is hereby Continued until the March, 1985 Term.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the above styled and numbered Matter be Continued for Sentencing until March, 1985.

SO ORDERED AND ADJUDGED on this the 1st. day of February, A.D., 1985.

CIRCUIT COURT JUDGE

10,041

Please issue Subpoena for

Jack Weldy
Bud Holmes

Inst - for Defendant

FILED
MAR 08 1985
Marian Brown
CIRCUIT CLERK

Karl W. Kepper

Issued
3-8-85

FILED
MAR 06 1985
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS NO. 10,041

REDDITT ANDREW FAIRCHILD,
Defendant

MOTION FOR LEAVE TO WITHDRAW PLEA OF GUILTY

NOW COMES the Defendant, Redditt Andrew Fairchild, in the above styled and numbered cause, by and through his Attorney, and moves this Honorable Court for leave to withdraw his plea of guilty and to set aside his previous plea of guilty to the indictment in said Cause, and shows:

That his plea was induced by promises of leniency, that it was not free and voluntary, and for other causes to be shown upon the hearing hereof.

REDDITT ANDREW FAIRCHILD, DEFENDANT

By: Karl W. Kepper
ATTORNEY FOR DEFENDANT

KARL W. KEPPER
P.O. BOX 251
HATTIESBURG, MS 39401
(601) 583-8204

CERTIFICATE OF SERVICE

This is to certify that I have this day served Honorable Glen White, District Attorney for the Twelfth Circuit Court District with a copy of the foregoing Motion by hand delivering same to him.

This, the 7th day of March, A.D., 1985.

Karl W. Kepper
ATTORNEY

KEPPER & KEPPER
ATTORNEYS AT LAW
Karl W. Kepper
P.O. Box 251
Hattiesburg, MS 39401
(601) 583-8204

FILED
MAR 08 1985
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS

CAUSE NUMBER
10,041

REDDITT ANDREW FAIRCHILD, DEFENDANT

MOTION FOR DISCOVERY

COMES NOW the named Defendant in the above styled Cause, and moves the Court to require the State of Mississippi through its District Attorney to produce at the trial of the above styled cause, and at any and all non-jury hearings of the above styled case, the following documents, pictures and articles:

1. Copies of all reports and memoranda connected with the said charge against the named Defendant.

2. All written statements of witnesses in the possession of the prosecutor relating to the charge against the named defendant in the above styled Cause.

3. Names, addresses and telephone numbers and whereabouts of all witnesses to be called by the State of Mississippi in the trial of the named Defendant.

4. Statements of all persons including memoranda, summaries or recordings of such statements of any person, made to any law enforcement officer or the investigative staff of any prosecutor in any way connected with the above styled Cause.

5. All memoranda, documents and reports of all law enforcement officers connected with subject matter of the charge referred to above as well as the name of the investigative staff of the prosecutor.

45

6. The transcript, minutes and record of the Grand Jury proceeding in connection with the return of the above styled indictment.

7. A detailed description of all physical items other than documents and pictures which the prosecutor anticipates using in the trial of the named Defendant and the exact place where and under whose custody such items are being held.

This motion is made under the authority of Brady v. Maryland, 373 U.S.83, 83 S.Ct.1194, 10 L.Ed.2d 215 (1963); Giles v. Maryland, 386 U.S.66, 87 S.Ct.793, 17 L.Ed.2d 737 (1967); and Williams v. Dutton, 400 Fed.2d 797 (5th Cir.1968).

The aforesaid documents are in the possession of the State or are available to the District Attorney and are favorable or arguably favorable to the Defendant as to the issue of innocence and punishment.

That all of said documents, pictures and articles are relevant, significant and constitute substantial material evidence and will be useful to the named Defendant as evidence upon his trial under said charge.

That the named Defendant cannot safely go to trial on these charges without the production of said documents and in their absence will be denied the due process of law as guaranteed by Section 14 of the Consitution of the State of Mississippi and the Fifth Amendment of the Constitution of the United States of America made applicable to the States through the Fourteenth Amendment to the Constitution of the United States.

That without the production of the documents referred to above, the Defendant's counsel will not be able to effectively represent him the above styled case; and thus he will be denied the right of counsel which is guaranteed to him under the provisions of Section 26 of the Mississippi Constitution and the Sixth Amendment of the United States Constitution made applicable to the States through the due process clause of the Fourteenth Amendment of the United States Constitution.

WHEREFORE, the named Defendant prays:

(a) That the State be required to produce all documents and other evidence referred to above.

(b) Without waiving his right to have his counsel examine said documents, pictures and articles, if the Court does not permit this to be done, that the Court conduct an in camera examination of said documents, pictures and articles, and his counsel be permitted to see and copy or reproduce any of the documents, pictures and articles which the Court determines to be favorable to the named Defendant as to the question of guilty or punishment or for the purpose of impeaching any of the witnesses to be called by the State in the trial of the named Defendant.

(c) That if any part of said documentary evidence is not made avalaible to the anmed Defendant prior to the commencement of his trial, then without waiving his right to the production of said evidence prior to his trial, he respectfully moves the Court for an order directing the District Attorney to produce all such documents and evidence and to submit the same to his counsel at the close of the State's evidence.

(d) Without waiving the foregoing, the Defendant requests that an exact copy be made of each item which is not presented to defense counsel and that the same be sealed and included in the record of this case for the purpose of insuring effective review of the Court's denial of the Defendant's previous request for disclosue.

(e) That the duty of the District Attorney to disclose pursuant to this motion be considered as continuing up until and through the trial and post judgment proceedings.

REDDITT ANDREW FAIRCHILD, DEFENDANT

By: Karl W. Kepper
ATTORNEY FOR DEFENDANT

Karl W. Kepper
KARL W. KEPPER
Attorney At Law
P.O. Box 251
Hattiesburg, MS 39401
(601) 583-8204

CERTIFICATE OF SERVICE

This is to certify that I have this day served Honorable Glen White, District Attorney for the Twelfth Circuit Court District with a copy of the foregoing Motion by hand delivering same to him.

This, the 7th day of March, A.D., 1985.

Karl W. Kepper
ATTORNEY

KEPPER & KEPPER
ATTORNEYS AT LAW
Karl W. Kepper
P.O. Box 251
Hattiesburg, MS 39401
(601) 583-8204

SUBPOENA— CIRCUIT **COURT**

THE STATE OF MISSISSIPPI, FORREST COUNTY

Cause No. 10,041

REC[illegible]D
MAR 4 1985
SHERIFF'S OFFICE
FORREST COUNTY, MISS.

To the Sheriff of Said County:

You are hereby commanded to summon JACK WELDY
BUD HOLMES

if to be found in your county, to be and personally appear before the said Court of the County of Forrest, in said state, at the Court House in the City of Hattiesburg, Miss., on the INST **day of** MARCH **19**85 **at 9:00 o'clock A.M., and there remain from day to day and term to term until discharged by law, then and there to testify on behalf of the** DEFENDANT **, at whose instance this writ is issued, in a certain case pending in said court wherein** STATE OF MISSISSIPPI **is Plaintiff and** REDDIT ANDREW FAIRCHILD IS THE **Defendant and that** he **in no wise fail to appear, under the penalty prescribed by law; and have there then this writ.**

Given under my hand and seal of said Court, and issued this 8th **day of** MARCH **1985**

CIRCUIT CLERK
MARIAN BROWN

Circuit Clerk.

By Jessie Russell **D. C.**

HON. KARL KEPPER
P. O. BOX 251,
HATTIESBURG, MS. 39401

Uif

2419

[illegible] Jack
Waldy the within [illegible] copy of
[illegible] business [illegible]
[illegible] known as 610 W. Pine
[illegible] Hattiesburg. Th[illegible]
[illegible] could I find [illegible]
[illegible] of sixteen years [illegible]

8th day of March [illegible] 85

GENE [illegible]

By Billie McGee
Deputy Sheriff
Sh. No. 47

[illegible] MISSISSIPPI
[illegible] OF FORREST

I this day executed the within writ of summons on Bud
Holmes the within named def[illegible] copy of
[illegible] on a door of defendant's [illegible] business [illegible] county
premises known as [illegible] W. Pine
[illegible] City of Hattiesburg. The said [illegible] be found in
[illegible] nor could I find any [illegible] family,
[illegible] of sixteen years, [illegible]

8th day of March [illegible] 19 85

GENE WALTERS, Sheriff

By Billie McGee
Deputy Sheriff
Sh. No. 47

No. __________

FORREST COUNTY, MISSISSIPPI

____

vs.

____

SUBPOENA

Issued __________ 19____

Returnable __________ 19____

Received by me this __________ day of __________, 19____

__________, Sheriff

By __________, D. S.

Returned and filed this the __________ day of __________, 19____

__________, Clerk

By __________, D. C.

Fees of __________, Sheriff		
Summoning ______	Witness	$______
Entering and returning writ		$______
__________		$______
Total		$______

BEST AVAILABLE COPY

Filed by court on March 8, 1985 RWMcK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

MARCH TERM 1985

FILED
MAR 29 1985
Miriam Brown
CIRCUIT CLERK

STATE OF MISSISSIPPI

CAUSE NO. 10,041

VERSUS

REDDRITT ANDREW FAIRCHILD, DEFENDANT

ORDER

Comes the District Attorney who prosecutes the pleas for the State of Mississippi, and comes the Defendant, Reddritt Andrew, in the presence of (his, ~~her~~) attorney, Honorable Karl Kepper, who was brought before the Court and who upon waiver of formal reading of the indictment preferred against (him, ~~her~~) of

Conspiracy

and for plea to said charge said Defendant says that (he, ~~she~~) is not guilty, and this cause is set for trial on May 13, 1985, and motions deadline set on May 1, 1985.

It is ordered by the Court that said Defendant remain in custody unless released on bond in the sum of $10,000.00 conditioned according to law, to be approved by the Sheriff of this County, provided for (his, ~~her~~) appearance herein, and this matter is hereby set for trial on May 13, 1985, and Motions deadline set on May 1, 1985.

ORDERED AND ADJUDGED on this the 8th day of March, A. D., 1985.

Richard W. McKenzie

RICHARD W. McKENZIE
CIRCUIT JUDGE

FILED
MAR 2[illegible] 1995
Marian Brown
CIRCUIT CLERK

Filed by Court
on March 8.
1985 L.W.P.S.K.

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER 10,041

REDDITT ANDREW FAIRCHILD DEFENDANT

O R D E R

ON THIS DAY this Cause came on to be heard upon the Defendant's Motion to Withdraw his Plea of Guilty, for the reason that certain inducements had been made to him in order to affectuate a Plea of Guilty, by prior administration, and the Court after considering the same, finds that the Defendant's Motion is well taken and should be sustained.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the previous Plea of Guilty be Withdrawn and a Plea of Not Guilty be entered.

SO ORDERED AND ADJUDGED on this the 8th day of March, A.D., 1985.

L. McGlynn
CIRCUIT COURT JUDGE

FILED
MAR 29 1985
Marian Brown
CIRCUIT CLERK

Filed by Court on March 8, 1985 L.W.M.

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISIPPI

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER 10,041

REDDITT ANDREW FAIRCHILD DEFENDANT

O R D E R

ON THIS DAY this Cause came on for Arraignment, and the Court after sustaining the Defendant's Motion of Withdrawing the Plea of Guilty and enter a Plea of Not Guilty, this Matter is hereby Continued for the Term, and Trial is hereby set for May 13, 1985, with the deadline for the filing & hearing motion of May 1, 1985.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Defendant is hereby Ordered to appear for Trial on May 13, 1985, and the deadline for the filing & hearing of motion by May 1, 1985.

SO ORDERED AND ADJUDGED on this the 8th day of March, A.D., 1985.

CIRCUIT COURT JUDGE

FILED
MAR 29 1985
Marion Brown
CIRCUIT CLERK

Filed by Court on March 8, 1985
h.w. [illegible]

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER 10,041

REDDITT ANDREW FAIRCHILD DEFENDANT

ORDER

ON THIS DAY this Cause came on to be heard upon the Defendant's Motion for Discovery, the Court after considering the same, finds that said Motion is well taken and should be sustained, and the State of Mississippi is hereby directed to comply with all applicable rules of Discovery pursuant to Rule 4.06 of the Uniform Circuit Court Rules of Criminal Practice.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the State of Mississippi hereby produce, in compliance with Rule 4.06, all discoverable matters.

SO ORDERED AND ADJUDGED on this the 8th day of March, A.D., 1985.

CIRCUIT COURT JUDGE

AO 136
(3/78)

CERTIFICATE OF GOOD STANDING

FILED
APR 9 1985
Miriam Brown
CIRCUIT CLERK

UNITED STATES OF AMERICA)
) SS.
SOUTHERN DISTRICT OF ALABAMA)

I, JOHN V. O'BRIEN, Clerk of the United States District Court for the Southern District of Alabama, Mobile, Alabama,

DO HEREBY CERTIFY That BARRY HESS was duly admitted to practice in said Court on July 24, 1962, and is in good standing in said Court.

Dated at Mobile, Alabama
on April 5, 1985.

JOHN V. O'BRIEN,
Clerk

By ______________________,
Deputy Clerk.

51

FILED
APR 9 1985
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI, *

Plaintiff, *

v. * CASE NO. 10,041

DREW FAIRCHILD, *

Defendant. *

ADMISSION PRO HAC VICE

Comes now BARRY HESS, an Attorney in good standing of the Bar of the State of Alabama, the Supreme Court of Alabama, the United States District Court for the Southern District of Alabama, the United States Court of Appeals for the Eleventh Circuit, the United States Court of Appeals for the Fifth Circuit and the United States Supreme Court, and moves to be admitted Pro Hac Vice as a member of the Bar of this Court to handle the above styled case in conjunction with Wallace Gunn, who is admitted generally to practice before this Court.

Respectfully submitted,

BARRY HESS
301 St. Joseph Street
Post Office Box 1706
Mobile, Alabama 36633
Telephone: (205) 432-4546

CERTIFICATE OF SERVICE

I do hereby certify that I have, on this the 9th day of April, 1985, served a copy of the foregoing upon the District Attorney for Forrest County, by placing a copy of same in the United States mail, properly addressed and first class postage prepaid, or I have hand-delivered the same.

BARRY HESS

FILED
APR 9 1985
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI, *

Plaintiff, *

v. * CASE NO. 10,041

DREW FAIRCHILD, *

Defendant. *

PLEA BAR - PLEA OF AUTREFOIS CONVICT OR MOTION TO DISMISS

Comes now Drew Fairchild, Defendant, by his attorney, and for plea says:

The State ought not to further prosecute this indictment against him because at a regular session of the United States District Court of Mississippi on, to-wit, March 29, 1985, this Defendant was indicted, entered a plea of guilty and was adjudged guilty for the same act charged in the indictment herein.

A certified copy of the Federal indictment and the Judgment of Conviction therein are attached hereto as Exhibits A and B and incorporated herein by reference.

Further prosecution of this indictment is barred under the provisions of Section 41-29-151 Code of Mississippi.

WHEREFORE, premises considered, Defendant prays that this Honorable Court will dismiss the present indictment and discharge this Defendant.

Respectfully submitted,

BARRY HESS
301 St. Joseph Street
Post Office Box 1706
Mobile, Alabama 36633
Telephone: (205) 432-4546

Wallace Gunn
WALLACE GUNN

CERTIFICATE OF SERVICE

I do hereby certify that I have, on this the 9th day of April, 1985, served a copy of the foregoing upon the District Attorney for Forrest County, by placing a copy of same in the United States mail, properly addressed and first class postage prepaid, or I have hand-delivered the same.

BARRY HESS

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
Hattiesburg Division

UNITED STATES OF AMERICA)
v.)
REDDITT "DREW" FAIRCHILD,) CR. No. H85-00025
Defendant.)

SOUTHERN DISTRICT OF MISSISSIPPI
FILED
MAR 29 1985
CLARENCE K. PIERCE, CLERK
BY K. Lukes DEPUTY

INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

1. From on or about February, 1980 and continuously thereafter up to and including August 4, 1980, in the Southern District of Mississippi and elsewehere, Defendant REDDITT "DREW" FAIRCHILD together with unindicted co-conspirators Robert Royals, Robert L. Watkins, Charles Malone, Malcolm "Duffy" Nathan, Mario Torres, and Kenneth Hatfield, willfully and knowingly did conspire, confederate, and agree together with each other and with others whose names are known and unknown to the Grand Jury, to import marijuana, a Schedule I controlled substance, into the United States from Colombia, South America and other locations outside the United States, contrary to Title 21, United States Code, Section 952(a).

Means and Methods of the Conspiracy

2. It was a part of the conspiracy that:

(a) Unindicted co-conspirator Robert Watkins, with the help of unindicted co-conspirators Malcolm "Duffy" Nathan and Mario

Torres, would and did agree to pilot planes from the United States to Jamaica and Colombia and back to the United States with loads of marijuana;

(b) Defendant REDDITT "DREW" FAIRCHILD, together with unindicted co-conspirator Robert Royals, agreed to assist in the preparation of drug smuggling planes and the landing and unloading of said planes at the Hattiesburg Municipal Airport;

(c) Defendant REDDITT "DREW" FAIRCHILD and unindicted co-conspirator Charles Malone agreed to make arrangements for the offloading and the storage of the marijuana in or near Hattiesburg, Mississippi; and

(d) Unindicted co-conspirators Charles Malone and Kenneth Hatfield agreed to make arrangements for the sale of marijuana.

Overt Acts

3. In or about the spring of 1980, Defendant REDDITT "DREW" FAIRCHILD met with unindicted co-conspirators Charles Malone, Malcolm "Duffy" Nathan, and Robert L. Watkins, in Hattiesburg, Mississippi to make arrangements for the importation of marijuana into Hattiesburg, Mississippi.

4. In or about the summer of 1980, Defendant REDDITT "DREW" FAIRCHILD made arrangements for the availability of a "stash house" in or near Hattiesburg, Mississippi in which to store marijuana.

5. In or about late July, 1980, unindicted co-conspirator Robert L. Watkins flew an airplane to Colombia, South America, to obtain marijuana.

6. In or about late July or early August, 1980, unindicted co-conspirator Robert Royals was present at the Hattiesburg Municipal Airport and assisted in the preparation and planning for the importation of marijuana into the United States by unindicted co-conspirator Robert L. Watkins.

7. On or about August 1, 1980, Defendant REDDITT "DREW" FAIRCHILD and unindicted co-conspirator Robert Royals drove to the "stash house" and in the course of the trip met with unindicted co-conspirator Charles Malone.

8. On or about the night of August 3, 1980, unindicted co-conspirator Robert Royals was present at the Hattiesburg Municipal Airport waiting for the plane piloted by unindicted co-conspirator Robert L. Watkins to land.

9. On or about the night of August 3, 1980, unindicted co-conspirator Robert Watkins landed an airplane containing approximately 2200 pounds of marijuana at the Hattiesburg Municipal Airport.

In violation of Section 963 of Title 21, United States Code.

A TRUE BILL:

David M. Ward Jr.
FOREMAN

Reid H Weingarten
REID H. WEINGARTEN

Trial Attorney
Public Integrity Section
Criminal Division
Department of Justice
Washington, D.C. 20530
(202) 724-6974

A TRUE COPY, I HEREBY CERTIFY.
Clarence A. Pierce, CLERK

2430

No. ----------

UNITED STATES DISTRICT COURT

SOUTHERN District of MISSISSIPPI

Hattiesburg Division

THE UNITED STATES OF AMERICA

vs.

REDDITT "DREW" FAIRCHILD

INDICTMENT

Violation Charged:
21 U.S.C. §963

[illegible]
FILED
MAR 29 1985
[illegible] A. [illegible], CLERK
BY [illegible] DEPUTY

A true bill.

David M. Ward, Sr.
Foreman

Filed in open court this ---------------- day

of ------------ , A.D. 19------

---------------------------- Clerk

Bail, $ ------------

GPO 000 939

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF MISSISSIPPI

SOUTHERN DISTRICT OF MISSISSIPPI
FILED
APR 02 1985
CLARENCE A. PIERCE, CLERK
BY L. Lubec DEPUTY

MINUTE ENTRY:
MARCH 29, 1985
PARKER, C. J.

UNITED STATES OF AMERICA

VERSUS CRIMINAL

REDDITT "DREW" FAIRCHILD NO. H85-00005

The defendant appeared this date for Rule 5-A Hearing and arraignment.

PRESENT: Jan Little
Counsel for U.S.A.

Barry Hess, Esq.
Counsel for defendant

The defendant waives reading of the indictment, and enters a plea of GUILTY.

The defendant is sworn and questioned by the court.

Statement of Jan Little is read into the record.

The court accepts the guilty plea and refers this matter to the Probation Department for a pre-sentence investigation.

Bond was set at $2,500 personal recognizance.

* * * *

A TRUE COPY, I HEREBY CERTIFY.
Clarence A. Pierce, CLERK
By:
Deputy Clerk

FILED
APR 1[illegible] 1985
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI)
)
Versus) NUMBER 10,041
)
REDDITT ANDREW FAIRCHILD,)
Defendant)

MOTION FOR AUTHORITY TO WITHDRAW AS ATTORNEYS OF RECORD

COMES NOW Kepper and Kepper, Attorneys of Hattiesburg, and Karl Kepper, individually, and respectfully move this Honorable Court for its Order authorizing and allowing the undersigned to withdraw as attorneys for the Defendant in the above-styled and numbered cause, and, as grounds, would submit and show unto the Court that Defendant has obtained other attorneys, therefore, the undersigned desire to be allowed to withdraw as his attorneys.

WHEREFORE, PREMISES CONSIDERED, Kepper & Kepper, Attorneys of Hattiesburg, Mississippi, and Karl Kepper, individually, respectfully move this Honorable Court for its appropriate Order authorizing and allowing their withdrawal as attorneys of record in this cause.

Respectfully submitted:

KEPPER & KEPPER, ATTORNEYS

BY: Karl W. Kepper

Karl W. Kepper
Individually

CERTIFICATE OF SERVICE

I do hereby certify that I have this day caused to be mailed by United States Mail, a true copy of

FILED
APR 12 1985
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI	)	
Versus	)	NUMBER 10,041 ✓
REDDITT ANDREW FAIRCHILD, Defendant	)	

MOTION FOR AUTHORITY TO WITHDRAW AS ATTORNEYS OF RECORD

COMES NOW Kepper and Kepper, Attorneys of Hattiesburg, and Karl Kepper, individually, and respectfully move this Honorable Court for its Order authorizing and allowing the undersigned to withdraw as attorneys for the Defendant in the above-styled and numbered cause, and, as grounds, would submit and show unto the Court that Defendant has obtained other attorneys, therefore, the undersigned desire to be allowed to withdraw as his attorneys.

WHEREFORE, PREMISES CONSIDERED, Kepper & Kepper, Attorneys of Hattiesburg, Mississippi, and Karl Kepper, individually, respectfully move this Honorable Court for its appropriate Order authorizing and allowing their withdrawal as attorneys of record in this cause.

Respectfully submitted:
KEPPER & KEPPER, ATTORNEYS
BY: Karl W. Kepper
Karl W. Kepper
Individually

CERTIFICATE OF SERVICE

I do hereby certify that I have this day caused to be mailed by United States Mail, a true copy of the above and foregoing Motion for Authority to Withdraw as Attorneys of Record to Redditt Andrew Fairchild, 1215 Windsor Drive, Hattiesburg, MS 39401, his usual mailing address.

This the 12th day of April, A.D., 1985.

Karl W. Kepper
KARL W. KEPPER

CERTIFICATE OF SERVICE

I do hereby certify that I have this day caused to be hand delivered, a true copy of the above and foregoing Motion for Authority to Withdraw as Attorneys of Record to Honorable Glen White, District Attorney of the Twelfth Circuit Court District, 316 Forrest Street, Hattiesburg, MS 39401, his Office address.

This the 12th day of April, A. D., 1985.

Karl W. Kepper
KARL W. KEPPER

CERTIFICATE OF SERVICE

I do hereby certify that I have this day caused to be mailed by United States Mail, a true copy of the above and foregoing Motion for Authority to Withdraw as Attorneys of Record to Honorable Wallace R. Gunn, Attorney At Law, 1509 Hardy Street, Hattiesburg, MS 39401, his usual mailing address.

This the 12th day of April, A. D., 1985.

Karl W. Kepper
KARL W. KEPPER

CERTIFICATE OF SERVICE

I do hereby certify that I have this day caused to be mailed by United States Mail, a true copy of the above and foregoing Motion for Authority to Withdraw as Attorneys of Record to Honorable Barry Hess, Attorney

At Law, P. O. Box 1706, Mobile, Alabama 36633, his usual mailing address.

This the 12th day of April, A.D., 1985.

Karl W Kepper

KARL W. KEPPER

KEPPER & KEPPER
ATTORNEYS AT LAW
P.O. BOX 251
HATTIESBURG, MS 39401
(601) 583-8204

FILED
APR 12 1985
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI)
)
)
VERSUS)
) NUMBER 10,041
)
REDDITT ANDREW FAIRCHILD,)
Defendant)
)
)

ORDER ALLOWING WITHDRAWAL AS COUNSEL OF RECORD

THIS DAY this cause came on for hearing on a Motion of Kepper & Kepper, attorneys of Hattiesburg, Mississippi, and Karl Kepper, individually, for an Order of this Court authorizing and allowing the withdrawal of said firm of attorneys and individual attorney as counsel for the defendant, Redditt Andrew Fairchild, in the above styled and numbered cause, and the Court, being materially advised in the premises finds that such Motion should be sustained.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Kepper & Kepper, attorneys of Hattiesburg, Mississippi, and Karl Kepper, individually, heretofore counsel of record for the defendant, Redditt Andrew Fairchild, in the above styled and numbered cause, be, and they are hereby released and allowed to withdraw as counsel for the said Reddit Andrew Fairchild.

In the consideration of the merits of this instant Motion, this Court is cognizant that Honorable Barry Hess, of Mobile, Alabama, and Honorable Wallace Gunn, of Hattiesburg, Mississippi, have entered an appearance, as attorneys of record for this Defendant, by the filing of certain Motions and Pleadings, which were filed on April 9, 1985. Therefore, IT IS FINALLY ORDERED AND ADJUDGED, that Honorable Barry Hess and Honorable Wallace Gunn are the attorneys of record for this Defendant, and it is, also, FINALLY ORDERED AND ADJUDGED that the deadline for the filing and disposition of Motions, in this matter, is set for May 1, 1985, and, as previously ordered, that this matter is set for trial on May 13, 1985.

SO ORDERED AND ADJUDGED, on this, the 12th. day of April, A.D., 1985.

CIRCUIT COURT JUDGE

FILED
APR 23 1985
Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS. CAUSE NO. 10,041

REDDITT ANDREW FAIRCHILD DEFENDANT

ORDER ADJUDICATING HONORABLE BARRY HESS TO BE QUALIFIED TO REPRESENT THE DEFENDANT

ON THIS DATE, there came on for consideration the matter of representation of the Defendant, by the Honorable Barry Hess, of Mobile, Alabama, and the Court finds as follows:

That Honorable Barry Hess has filed, in this matter, Admission Pro Hac Vice, under the sponsorship of Honorable Wallace Gunn, who is a member, in good standing, of the Mississippi Bar Association, but the Honorable Barry Hess failed to comply with subsection (4) of an Order of the Mississippi Supreme Court, executed on February 3, 1982, by the Chief Justice of the said Mississippi Supreme Court, in Misc. No. 1665, which said subsection (4) deals with Informational Affidavits that must be filed by out of state attorneys who qualify to practice in the Courts of the State of Mississippi.

That, without objection from the District Attorney, who represents the State of Mississippi, the Honorable Barry Hess was granted leave of the Court to dictate into the record the responses which he would have sworn to in the Informational Affidavit.

That, the Honorable Barry Hess was placed under oath, by the Clerk, and that he responded, under oath, to the information contained in the abovementioned Order, as if he had submitted the same in the form of the required Informational Affidavit.

That Honorable Wallace Gunn, who as an officer of this Court, was not placed under oath, but as a said officer of this Court, indicated in the record that he certified his agreement to be associated by the Honorable Barry Hess, in this particular case, as the same would have been contained in subsection (k) of the Informational Affidavit, had the same been executed and filed by Honorable Barry Hess and Honorable Wallace Gunn.

That, at the conclusion of the testimony of Honorable Barry Hess and Honorable Wallace Gunn, this Court is of the opinion that Honorable

Barry Hess should be qualified to represent this Defendant, and be allowed to appear, in this matter, Pro Hac Vice, under the sponsorship of Honorable Wallace Gunn.

IT IS, THEREFORE, ORDERED AND ADJUDGED, that the Honorable Barry Hess is hereby qualified to represent the Defendant, Redditt Andrew Fairchild, in this case, and the said Honorable Barry Hess is hereby qualified to appear, in this matter, Pro Hac Vice, under the sponsorship of Honorable Wallace Gunn.

SO ORDERED AND ADJUDGED, on this, the 19th. day of April, 1985.

CIRCUIT COURT JUDGE

FILED
APR [illegible] 1985
Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS. CAUSE NO. 10,041

REDDITT ANDREW FAIRCHILD DEFENDANT

ORDER TAKING UNDER ADVISEMENT DEFENDANT'S MOTION TO DISMISS; SETTING BRIEFING DEADLINES; SETTING PRE-TRIAL MOTIONS DEADLINES; SETTING TRIAL DATE

ON THIS DATE, there came on for consideration the Motion to Dismiss, filed herein by the Defendant, and the same having been heard in the presence of the Defendant, Redditt Andrew Fairchild, and in the presence of his attorneys of record, Honorable Barry Hess and Honorable Wallace Gunn, and in the presence of the District Attorney, Honorable Glenn White, who represents the State of Mississippi; and the Court, after having heard the same is of the opinion that this matter should be taken under advisement in order to allow the attorneys of record to file extensive briefs of law which support their contentions.

IT IS, THEREFORE, ORDERED AND ADJUDGED, that the attorneys for the Defendant and the District Attorney are granted until Monday, May 20, 1985 to submit to this Court written briefs, and IT IS LIKEWISE ORDERED AND ADJUDGED, that the Motion to Dismiss is hereby taken under advisement until the submission of these briefs and a review of the same by the Court.

IT IS FINALLY ORDERED AND ADJUDGED, that Monday, June 10, 1985, is hereby set as the deadline for the filing and disposition of all other pre-trial Motions, and unless the Defendant shall prevail in his Motion to Dismiss, this matter is hereby set for trial on Monday, July 8, 1985.

SO ORDERED AND ADJUDGED, on this, the 19th. day of April, 1985.

L. McKenzie
CIRCUIT COURT JUDGE

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

FILED
MAY 29 1985
Marian Brown
CIRCUIT CLERK

STATE OF MISSISSIPPI, *
Plaintiff, *
v. * CAUSE NUMBER: 10,041
REDDITT ANDREW FAIRCHILD, *
Defendant.

MOTION TO QUASH THE INDICTMENT, OR, IN THE ALTERNATIVE, TO DISMISS THE PROSECUTION OF THE INDICTMENT FOR VIOLATION OF A PLEA BARGAIN AGREEMENT

Comes now the Defendant, Redditt Andrew Fairchild, and moves this Honorable Court to quash the indictment, or, in the alternative, dismiss the prosecution on the gounds that it violated the plea agreement reflected on the docket sheet on file in the office of the Circuit Clerk of Forrest County, Mississippi entered March 19, 1982. The plea agreement reached between the Defendant, represented by his then attorney Karl Kepper and the State of Mississippi represented by then District Attorney Bud Holmes and concurred in by then Circuit Judge Jack B. Weldy, was the recommendation of five years probation and a fine as reflected on the docket sheet entry of that date. In consideration of this recommendation the Defendant Fairchild pled guilty to the charge in this indictment and agreed to testify against his co-defendant Watkins.

The Defendant Fairchild did in fact plead guilty and has at all times been ready willing and able to assist the prosecution of the co-defendant by offering truthful testimony concerning the facts of this case. This testimony has not been received against the co-defendant Watkins due to the failure of the State of Mississippi acting by and through its agents, servants and employees to apprehend Mr. Watkins and produce him for trial. Defendant Fairchild incorporates herein by reference the docket sheet entries on the docket sheet in this case relating to the Defendant Watkins.

This Defendant was notified shortly prior to March 8, 1985 that the present District Attorney of Forrest County, Mississippi and the present Circuit Judge presiding over this case would reject the plea agreement made with the State of Mississippi in 1982 and fail to honor its terms.

This Defendant had been cooperating with federal authorities for a substantial time prior to March 8, 1985 concerning the facts relating to the events described in the indictment in this case and other matters in reliance on the State of Mississippi honoring its plea agreement of March 19, 1982.

Upon being informed in open Court in the Circuit Court of Forrest County, Mississippi March 8, 1985 that the State of Mississippi would not honor its plea agreement in this matter the Defendant withdrew his plea of guilty.

This Defendant was subsequently indicted and convicted in the United States District Court for the Southern District of Mississippi for the same facts charged in this indictment. The subsequent prosecution and conviction of this Defendant were the direct and proximate results of the failure of the State of Mississippi to honor its plea bargain with this Defendant entered March 19, 1982. The United States of America would have refrained from prosecuting this Defendant under its Petite Doctrine.

WHEREFORE premises considered, Defendant moves this Honorable Court to make a finding that:

A. Defendant entered a plea bargain with the State of Mississippi March 19, 1982.

B. Defendant entered a plea of guilty March 19, 1982 as a result of the plea bargain.

C. Defendant agreed to testify against the co-defendant Watkins as part of said plea bargain.

D. Defendant has at all times been ready, willing and able to give truthful testimony in cooperation with the plea bargain.

E. The Defendant is not at fault for the failure of the State of Mississippi to produce co-defendant Watkins for trial.

F. The Defendant in reliance on this plea bargain has assisted federal authorities in the further investigation of the underlying facts of this case and other matters.

G. That the Defendant was indicted and convicted by the United States for the matters concerning the facts of this case as a result of the failure of the State of Mississippi to honor its plea bargain in this matter.

H. That the reliance by the Defendant on his plea bargain in this matter has been to his substantial detriment.

I. That as a result of the above the indictment herein should be quashed, or, in the alternative, the prosecution of this case dismissed.

Respectfully submitted,

BY: ____________________
BARRY HESS

BY: Wallace R. Gunn
WALLACE R. GUNN
Attorneys for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have, on this the 27 day of May, 1985, served a copy of the foregoing upon the Honorable Glenn L. White, District Attorney for Forrest County, Mississippi, by placing a copy of same in the United States mail, properly addressed and first class postage prepaid.

____
BARRY HESS

12,041 ✓
State of MS
vs
Liddell Andrew
Fairchild

HESS, ATCHISON & HORNE
ATTORNEYS AT LAW
501 ST. JOSEPH ST.
P. O. BOX 1700
MOBILE, ALABAMA 36633

BARRY HESS
JAMES E. ATCHISON
RICHARD D. HORNE
VIRGINIA A. [illegible]
MICHAEL M. DAVIS*
WILLIAM B. JACKSON, II
RICHARD M. [illegible]**

* [illegible]
** [illegible]

June 10, 1985

FILED
JUN 11 1985
Marian Brown
CIRCUIT CLERK

Honorable Wallace R. Gunn
1509 West Hardy Street
Hattiesburg, Mississippi 39401

Dear Wallace:

Enclosed is a subpoena duces tecum for Karl Kepper. I am not sure that this form is appropriate for Mississippi procedure. It seems to comply with the provisions of Section 99-9-11 of the Mississippi Code.

In Alabama in criminal cases the clerk signs the supboena. The same is true in Federal Court.

Please feel free to change this form in any way necessary to comply with Mississippi procedure and this letter is your authority to execute it for me, if necessary.

I will probably arrive some time Thursday afternoon and call you then.

Cordially yours,

Barry Hess

BH/mls

Enclosure

6-11-85

1 Subp DT issued

1 Subp issued

6/10/85

Circuit Clerk -
Forrest County
Hattiesburg, Mississippi

FILED
JUN 12 1985
Marion Brown
CIRCUIT CLERK

Dear Mr. Brown.

Please furnish me with 2 Subpoenas for Witnesses to be used in # 10,041 -

Sincerely Yrs.
Walter A. Glenn

Issued to atty Glenn 6-12-85 g

6c

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

FILED

CLERK

STATE OF MISSISSIPPI,

Plaintiff,

v. CAUSE NO: 10,041

JUN 11 1985

REDDITT ANDREW FAIRCHILD,

Defendant.

AMENDED MOTION TO QUASH THE INDICTMENT, OR IN THE ALTERNATIVE, TO DISMISS THE PROSECUTION OF THE INDICTMENT FOR VIOLATION OF A PLEA BARGAIN AGREEMENT

Comes now the Defendant, Redditt Andrew Fairchild, and moves this Honorable Court to quash the indictment, or, in the alternative, dismiss the prosecution on the grounds that it violated the plea agreement reflected on the docket sheet on file in the office of the Circuit Clerk of Forrest County, Mississippi entered January 12, 1982. The plea agreement reached between the Defendant, represented by his then attorney Bill Porter and the State of Mississippi represented by then District Attorney Bud Holmes, was the recommendation of five years probation and a fine. In consideration of this recommendation the Defendant Fairchild pled guilty to the charge in this indictment and agreed to testify against his co-defendant Watkins.

The Defendant Fairchild did in fact plead guilty and has at all times been ready willing and able to assist the prosecution of the co-defendant by offering truthful testimony concerning the facts of this case. This testimony has not been received against the co-defendant Watkins due to the failure of the State of Mississippi acting by and through its agents, servants and employees to apprehend Mr. Watkins and produce him for trial. Defendant Fairchild incorporates herein by reference the docket sheet entries on the docket sheet in this case relating to the Defendant Watkins.

This Defendant was notified shortly prior to March 8, 1985 that the present District Attorney of Forrest County, Mississippi and the present Circuit Judge presiding over this case would reject the plea agreement made with the State of Mississippi in

1982 and fail to honor its terms.

This Defendant had been cooperating with federal authorities for a substantial time prior to March 8, 1985 concerning the facts relating to the events described in the indictment in this case and other matters in reliance on the State of Mississippi honoring its plea agreement of January 12, 1982.

Upon being informed in open Court in the Circuit Court of Forrest County, Mississippi,March 8, 1985 that the State of Mississippi would not honor its plea agreement in this matter the Defendant withdrew his plea of guilty.

This Defendant was subsequently indicted and convicted in the United States District Court for the Southern District of Mississippi for the same facts charged in this indictment. The subsequent prosecution and conviction of this Defendant were the direct and proximate results of the failure of the State of Mississippi to honor its plea bargain with this Defendant entered January 12, 1982. The United States of America would have refrained from prosecuting this Defendant under its Petite Doctrine.

WHEREFORE premises considered, Defendant moves this Honorable Court to make a finding that:

A. Defendant entered a plea bargain with the State of Mississippi January 12, 1982.

B. Defendant entered a plea of guilty January 12, 1982 as a result of the plea bargain.

C. Defendant agreed to testify against the co-defendant Watkins as part of said plea bargain.

D. Defendant has at all times been ready, willing and able to give truthful testimony in cooperation with the plea bargain.

E. The Defendant is not at fault for the failure of the State of Mississippi to produce co-defendant Watkins for trial.

F. The Defendant in reliance on this plea bargain has assisted federal authorities in the further investigation of the underlying facts of this case and other matters.

G. That the Defendant was indicted and convicted by the United States for the matters concerning the facts of this case as a result of the failure of the State of Mississippi to honor its plea bargain in this matter.

H. That the reliance by the Defendant on his plea bargain in this matter has been to his substantial detriment.

I. That as a result of the above the indictment herein should be quashed, or, in the alternative, the prosecution of this case dismissed.

RESPECTFULLY SUBMITTED,

BY: ______________________
BARRY HESS

BY: Wallace R. Gunn
WALLACE R. GUNN
Attorneys for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have, on this the 14TH day of June, 1985, served a copy of the foregoing upon the Honorable Glenn L. White, District Attorney for Forrest County, Mississippi, by placing a copy of same in the United States mail, properly addressed and first class postage prepaid:

____
BARRY HESS

THE STATE OF MISSISSIPPI, FORREST COUNTY

TO ANY LAWFUL OFFICER OF FORREST COUNTY:

We command you to summons Karl Kepper, 213 East Front Street, Hattiesburg, Mississippi 39401 if to be found in your county, to appear before the Circuit Court of said County, at 9:00 A.M. Hattiesburg, Mississippi, therein on the 14th day of June 19 85 to give evidence in a certain case now pending before said Circuit Court, between

State of Mississippi Plaintiff,

and Reddit Andrew Fairchild Defendant,

on the part of the Defendant Being Case number 10,041 in said Court; and further to command the said Karl Kepper to bring with him and produce in evidence his file and related documents and papers concerning the prosecution of Redditt Andrew Fairchild by the State of Mississippi in this matter.

FILED
JUN 12 1985
Marian Brown
CIRCUIT CLERK

Have you then there this writ.

Witness my hand this the 11th day of June 19 85

Marian Brown
Circuit Clerk.

By ________________ D. C.

STATE of MISSISSIPPI
COUNTY of FORREST

I have [illegible] day executed the within writ on
Karl Keppen
[illegible] ing a true copy of
the same at his [illegible] my county,
[illegible] Marie P Keppen [illegible] his family
[illegible] to receive
such copy.

This the 11 day of June A. D. 19 85

GEN. [illegible] Sheriff

By D. S.

JUN 11

SHERIFF'S

FORREST COUNTY,

IN THE Circuit COURT

FORREST COUNTY, HATTIESBURG, MISSISSIPPI 39401

State of Mississippi Plaintiff(s)

v.

Case No.

Redditt Andrew Fairchild
Defendant(s)

FILED
JUN 12 1985
Marian Brown
CIRCUIT CLERK

CIVIL SUBPOENA

To the Sheriff of Said County or Process Server:

YOU ARE HEREBY COMMANDED TO SUMMON Jack B. Weldy, 610 West Pine Street, Hattiesburg, Mississippi to be and personally appear before the said Court of the County of Forrest, in said State, at the Court House in the City of Hattiesburg, Mississippi, on the 14th day of June 19 85 at 9:00 o'clock A.M. and there remain from day to day until discharged by law, then and there to testify on behalf of the Defendant.

GIVEN under my hand and seal of said Court, and issued this the 11th day of June 19 85.

Marian Brown
Circuit Clerk

By: D.C.

Attorney for Redditt Andrew
Fairchild
Berry Hess & Wallace R. Gunn
1509 West Hardy.Street,
HAttiesburg, Mississippi
Address (601) 544-2312

STATE OF MISSISSIPPI
COUNTY OF FORREST

I have this day executed the within writ personally by delivering to the within named

Jack B. Weldy

A true copy of this writ this the 11 day of

June A. D. 19 85

[illegible], Sheriff

By Billy McGee D. C.

[illegible]

SUBPOENA— COURT

THE STATE OF MISSISSIPPI, FORREST COUNTY

Cause No. 10041

To the *Sheriff of Said County:*

You are hereby commanded to summon Hon. Reid Weingarten
United States Court House. Main Street. Hattiesburg, Mississippi
State of Mississippi v. Redditt Andrew Fairchild

[illegible] JUN [illegible] 1985
SHERIFF'S OFFICE
FORREST COUNTY, MISS.

if to be found in your county, to be and personally appear before the said Court of the County of Forrest, in said state, at the Court House in the City of Hattiesburg, Miss., on the 14th day of June 19 85 at 9:00 o'clock A.M., and there remain from day to day and term to term until discharged by law, then and there to testify on behalf of the Defendant at whose instance this writ is issued, in a certain case pending in said court wherein State of Mississippi is Plaintiff and Redditt Andrew Fairchild Defendant and that he in no wise fail to appear, under the penalty prescribed by law, and have you then this writ.

FILED
JUN 14 1985
Marian Brown
CIRCUIT CLERK

Given under my hand and seal of said Court, and issued this 12th day of June 1985

Marian Brown
Circuit Clerk.

By Susie Russell D. C.

Wallace R. Gunn
Wallace R. Gunn, Attorney for Defendant

54

No.__________

FORREST COUNTY, MISSISSIPPI

____

____

vs.

____

____

SUBPOENA

Issued ______________ 19___

Returnable ______________ 19___

Received by me this____________day of

____________________, 19___

____________________, Sheriff

By__________________, D. S.

Returned and filed this the____________day of

____________________, 19___

____________________, Clerk

By__________________, D. C.

Fees of__________________, Sheriff

Summoning________ Witness $________

Entering and returning writ $________

__________________ $________

Total $________

[illegible]

Reid Weingarten__________.

[illegible], Atty

14th June, 1985

[illegible]

Billy McGee________D.

2454

SUBPOENA— **COURT** 3rd floor

THE STATE OF MISSISSIPPI, FORREST COUNTY

Cause No. 10041

To the Sheriff of Said County:

You are hereby commanded to summon Hon. Reid Weingarten,
United States Court House, Main Street, Hattiesburg, Mississippi
State of Mississippi vs. Redditt Andrew Fairchild

FILED
JUN 14 1985
Marian Brown
CIRCUIT CLERK

if to be found in your county, to be and personally appear before the said Court of the County of Forrest, in said state, at the Court House in the City of Hattiesburg, Miss., on the 14th **day of** June **19**85**, at 9:00 o'clock A.M., and there remain from day to day and term to term until discharged by law, then and there to testify on behalf of the** Defendant**, at whose instance this writ is issued, in a certain case pending in said court wherein** State of Mississippi **is Plaintiff and** Redditt Andrew Fairchild **Defendant**

and that he **in no wise fail to appear, under the penalty prescribed by law; and have there then this writ.**

Given under my hand and seal of said Court, and issued this 12th **day of** June **19**85

Marian Brown
Circuit Clerk.

By Susan Russell **D. C.**

No. ____________

FORREST COUNTY, MISSISSIPPI

vs.

SUBPOENA

Issued ____________________ 19____

Returnable ____________________ 19____.

Received by me this ____________ day of

____________________, 19____

____________________, Sheriff

By ____________________, D. S.

Returned and filed this the ____________ day of

____________________, 19____

____________________, Clerk

By ____________________, D. C.

Fees of ____________________, Sheriff

Summoning ____________ Witness $__________

Entering and returning writ .. $__________

____________________ $__________

Total .... $__________

Filed by the Court on June 14, 1985.

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

FILED
JUN 21 1985
Marian Brown
CIRCUIT CLERK

STATE OF MISSISSIPPI

VS. CAUSE NO. 10,041

REDDITT ANDREW FAIRCHILD DEFENDANT

ORDER OVERRULING AMENDED MOTION TO QUASH THE INDICTMENT, OR, IN THE ALTERNATIVE, TO DISMISS THE PROSECUTION OF THE INDICTMENT FOR VIOLATION OF A PLEA BARGAIN AGREEMENT

ON THIS DAY, there came on for consideration, the Amended Motion to Quash the Indictment, or, in the Alternative, to Dismiss the Prosecution of the Indictment for Violation of a Plea Bargain Agreement, and the Court, prior to hearing the said Amended Motion found as follows:

That, previously, this Court had set Monday, June 10, 1985, as the deadline for the filing and disposition of all pre-trial Motions, and that said deadline was stated in an Order executed by this Court on April 19, 1985.

That, on May 29, 1985, the Defendant, by and through his attorneys, filed with the Clerk of this Court, a Motion to Quash the Indictment, or, in the Alternative, to Dismiss the Prosecution of the Indictment for Violation of a Plea Bargain Agreement; this Court found that the said Motion was never legally noticed for disposition prior to the deadline for the disposition of Motions, but that the Judge of this Court conferred, by telephone, with Honorable Glenn White, District Attorney, and Honorable Wallace Gunn, one of the attorneys for the Defendant, on the date of June 10, 1985, and that, notwithstanding the fact that this Motion had not been legally noticed within the time prescribed by the Uniform Criminal Rules of Circuit Court Practice, and by the statutes, that, by agreement between the District Attorney and the attorney for the Defendant, Mr. Wallace Gunn, that this Motion was set to be heard on June 14, 1985.

That, in the aforementioned telephone conference, the Judge of this Court, without making any specific ruling on the said Motion, informed the said Honorable Wallace Gunn that the possibility existed that the citing of the date of March 19, 1982, in the said Motion, as the date of the alleged "plea agreement reflected on the docket sheet on file in the office of the Circuit Clerk of Forrest County, Mississippi..." could be an erroneous date, since the only Order on March 19, 1982, in this matter was an Order of Continuance. That Mr. Gunn informed the Court that if the said date were erroneous that the correction would be made in the Motion.

That, on June 12, 1985, the Defendant, by and through his attorneys, filed with the Clerk of this Court an Amended Motion to Quash the Indictment, or, in the Alternative, to Dismiss the Prosecution of the Indictment for Violation of a Plea Bargain Agreement.

That, after a recitation of the above, in the record, that this Court heard and maturely considered the Amended Motion to Quash the Indictment, or, in the Alternative, to Dismiss the Prosecution of the Indictment for Violation of a Plea Bargain Agreement, and that this Court finds that the same is without merit, and should be overruled and denied, in all particulars.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Amended Motion to Quash the Indictment, or, in the Alternative, to Dismiss the Prosecution of the Indictment for Violation of a Plea Bargain Agreement is hereby overruled and denied, in all particulars.

SO ORDERED AND ADJUDGED, on this, the 14th. day of June, 1985.

W. McKenzie

CIRCUIT COURT JUDGE

REQUEST FOR SUBPEONAS

STATE OF MISSISSIPPI
PLAINTIFF

VERSUS
CAUSE NUMBER 10,041

Redditt Andrew Fairchild
DEFENDANT

FILED
JUN 25 1985
Marian Brown
CIRCUIT CLERK

****

Please issue Subpeonas for the following individuals to appear as Witnesses in the Circuit ~~County~~ Court of Forrest County, Mississippi, at 9:00 o'clock, A.M., on the 8th day of July, A.D., 19 85, to testify on behalf of the State of Mississippi.

NAME / ADDRESS

Gregory [redacted] Horwath — U.S. Customs Service
Box 115 JAX NAS
Jacksonville FlA, 32212

William C. Gray — United States Drug Enforcement Adm.
Claude Smith — 1661 Canal St. - Suite 2200
New Orleans La. 70112

Jack Taylor — DEA - Suite 1501-A Federal Bld.
100 West Capital St. Jackson MS
39269

Lt. Jim Kelly — MBN
Mike Tyson — MBN
Randy Johnson — MBN

William D Beasley — DEA — 5205 Northwest 84 Ave
Miami FL, 33166

now ck per [illegible]

Deputized to Forrest Co Sheriff

[illegible] to mail

Issued 6-25-85

DISTRICT ATTORNEY

BY. Stephen D Todd

REQUEST FOR SUBPEONAS.

FILED
JUN 26 1985

STATE OF MISSISSIPPI PLAINTIFF

VERSUS CAUSE NUMBER 10,041

Marian Brown
Redditt Andrew Fairchild DEFENDANT

****

Please issue Subpeonas for the following individuals to appear as Witnesses in the Circuit [redacted] Court of Forrest County, Mississippi, at 9:00 o'clock, A .M., on the 8th day of July, A.D., 1985, to testify on behalf of the State of Mississippi.

Mailed to Sheriff's office ASAP C. [illegible]

Mailed [illegible] 6-27- Subpoenas Duces Tecum

NAME	ADDRESS
Ann Delmas -	1307 Martin St.
(Phone 762-7856	Pascagoula MS 39567
Bill Hoppoch - Certi-	Comp Court Reporters
	528 North State St, Jackson M
Eddie Dickey - DEA -	8400 N.W. 53rd St
	Miami Fl

Issued 6-26-85

DISTRICT ATTORNEY BY:

SUBPOENA— CIRCUIT COURT

THE STATE OF MISSISSIPPI, FORREST COUNTY

Cause No. 10,041

To the Sheriff of HINDS County:

You are hereby commanded to summon JACK TAYLOR
D E A Suite 1501 A Federal Bld.
100 West Captial St.,
Jackson, Ms. 39269

FILED
JUN 27 1985
Marian Brown
CIRCUIT CLERK

if to be found in your county, to be and personally appear before the said Court of the County of Forrest, in said state, at the Court House in the City of Hattiesburg, Miss., on the 8th day of JULY 19 85 at 9:00 o'clock A.M., and there remain from day to day and term to term until discharged by law, then and there to testify on behalf of the STATE at whose instance this writ is issued, in a certain case pending in said court wherein STATE OF MISSISSIPPI is Plaintiff and REDDITT ANDREW FAIRCHILD IS THE Defendant and that he in no wise fail to appear, under the penalty prescribed by law; and have there then this writ.

Given under my hand and seal of said Court, and issued this 25thday of JUNE 1985

MARIAN BROWN
Circuit Clerk.
By Susie Russell D. C.

No.________

FORREST COUNTY, MISSISSIPPI

vs.

SUBPOENA

Issued ________ 19__

Returnable ________ 19__

Received by me this________day of

________ 19__

________ Sheriff

By________ D. S.

Returned and filed this the________day of

________ 19__

________ Clerk

By________ D. C.

Fees of________ Sheriff

Summoning________ Witness $____

Entering and returning writ $____

________ $____

Total________ $____

STATE of MISSISSIPPI
COUNTY of HINDS
EXECUTED PERSONALLY ON THE WITHIN NAMED

Jack Taylor

THIS 26 DAY OF June, 1985
J. D. McADORY, Sheriff
By Jerel Carter D.S.

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS.

REDDITT ANDREW FAIRCHILD

Cause No. 10,041

DEFENDANT

FILED
JUL 1 1985
Marian Brown
CIRCUIT CLERK

ORDER OVERRULING PLEA BAR - PLEA OF AUTREFOIS CONVICT OR MOTION TO DISMISS

ON THIS DAY, there came on, for ruling by the Court, the Plea Bar - Plea of Autrefois Convict or Motion to Dismiss, filed previously herein, by the Defendant, which said matter was previously taken under advisement by this Court, as the same is reflected in an Order of this Court, executed April 19, 1985, and filed herein on April 22, 1985, and the Court, after having considered the same, as well as having considered the arguments of the attorneys and their memorandum of law, is of the opinion that the same is without merit, and should be overruled and denied, in all particulars.

IT IS, THEREFORE, ORDERED AND ADJUDGED, that the Plea Bar - Plea of Autrefois Convict or Motion to Dismiss is hereby overruled and denied, in all particulars; and this matter is set for trial on Monday, July 8, 1985, at 10:30 A.M., and this Court also Orders that the deadline for the filing and disposition of Motions has expired, and that this Court will not entertain any additional "pre-trial" Motions.

SO ORDERED AND ADJUDGED, on this, the 1st. day of July, 1985.

CIRCUIT COURT JUDGE

REQUEST FOR SUBPEONAS

FILED

1985

STATE OF MISSISSIPPI PLAINTIFF

VERSUS CAUSE NUMBER 10,041

Reddit Andrew Fairchild Marian Brown

~~CIRCUIT~~ DEFENDANT

****

Please issue Subpeonas for the following individuals to appear as Witnesses in the Circuit ~~County~~ Court of Forrest County, Mississippi, at 9:00 o'clock, A .M., on the 8th day of July, A.D., 1985, to testify on behalf of the State of Mississippi.

NAME	ADDRESS
Don Lawless	FBI Hattiesburg MS

[illegible] Brown

Issued 7-2-85

DISTRICT ATTORNEY

BY

SUBPOENA— CIRCUIT COURT

THE STATE OF MISSISSIPPI, FORREST COUNTY

Cause No. 10,041 ✓

FILED

JUN 28

SHERIFF'S OFFICE
FORREST COUNTY, MISS.

Marian Brown
CIRCUIT CLERK

To the Sheriff of Said County:

You are hereby commanded to summon LT. JIM KELLY - MBN
MIKE TYSON - MBN
RANDY JOHNSON - MBN

if to be found in your county, to be and personally appear before the said Court of the County of Forrest, in said state, at the Court House in the City of Hattiesburg, Miss., on the 8th day of JULY 19 85, at 9:00 o'clock A.M., and there remain from day to day and term to term until discharged by law, then and there to testify on behalf of the STATE, at whose instance this writ is issued, in a certain case pending in said court wherein STATE OF MISSISSIPPI is Plaintiff and REDDITT ANDREW FAIRCHILD IS THE Defendant and that he in no wise fail to appear, under the penalty prescribed by law; and have there then this writ.

Given under my hand and seal of said Court, and issued this 25th day of JUNE 1985

MARIAN BROWN
Circuit Clerk.
By Susie Russell D. C.

No.____________

FORREST COUNTY, MISSISSIPPI

____

____

vs.

____

____

SUBPOENA

Issued ____________________ 19____

Returnable ____________________ 19____

Received by me this_______________day of

________________________, 19____

________________________, Sheriff

By________________________, D. S.

Returned and filed this the______________day of

________________________, 19____

________________________, Clerk

By________________________, D. C.

Fees of________________________, Sheriff

Summoning________ Witness $________

Entering and returning writ $________

____________________ $________

Total________ $________

Lt. Jim Kelly Mike Tyson
Randy Johnson
June 21
85
Wayne Taylor

$-1591 35- 750 10,041-

THE STATE OF MISSISSIPPI, FORREST COUNTY

TO ANY LAWFUL OFFICER OF FORREST COUNTY:

We command you to summons BILL HOPPOCH - CERTI-COMP COURT REPORTERS 528 NORTH STATE ST., JACKSON, MS. 39205 if to be found in your county, to appear before the CIRCUIT Court of said County, at Hattiesburg, Mississippi, therein on the 8th day of JULY 1985 to give evidence in a certain case now pending before said CIRCUIT Court, between STATE OF MISSISSIPPI Plaintiff, and REDDITT ANDREW FAIRCHILD IS THE Defendant, on the part of the PLAINTIFF; and further to command the said BILL HOPPOCH to bring with HIM and produce in evidence COMPLETE TRANSCRIPTS OF THE TESTIMONY OF GREGORY HORWATH, EDDIE DICKEY, CHARLES J. MALONE AND MALCOLM DAVID NATHAN, AS GIVEN IN THE TRIAL OF UNITED STATES OF AMERICA VS. ROBE[illegible] ET AL., CR H85-0000-2B, ALONG WITH COPIES OF ANY DOCUMENTARY EVIDENCE INTRODUCED AS EXHIBITS THERETO.

FILED
JUL 1 1985

Have you then there this writ.

Witness my hand this the 26th day of JUNE 1985

Marian Brown

Marian Brown CIRCUIT CLERK
Circuit Clerk.

By Marian Brown

No.________

FORREST COUNTY, MISSISSIPPI

________________COURT

____

vs.

____

SUBPOENA
DUCES TECUM

Issued ________________ 19____

Returnable ________________ 19____

Received by me this________ day of

________________ 19____

________________, Sheriff

By________________, D. S.

Returned and filed this the________ day of

________________ 19____

________________, Clerk

By________________, D. C.

Fees of________________, Sheriff

Summoning________ Witness $________

Entering and returning writ $________

Total $________

STATE of MISSISSIPPI
COUNTY of HINDS

EXECUTED PERSONALLY ON THE WITHIN NAMED

Bill Hoppel

THIS 28 DAY OF June 1985

J.R. McADORY, Sheriff

By________ D.S.

POENA— CIRCUIT COURT

RECEIVED

WALLACE GILL, SHERIFF

FILED
JUL 5 1985
Marian Brown
CIRCUIT CLERK

THE STATE OF MISSISSIPPI, FORREST COUNTY

Cause No. 10,041

To the *Sheriff* of JACKSON County:

You are hereby commanded to summon ANN DELMAS
1307 MARTIN ST.,
PASCAGOULA, MS. 39567
PHONE 762-7856

if to be found in your county, to be and personally appear before the said Court of the County of Forrest, in said state, at the Court House in the City of Hattiesburg, Miss., on the 8th day of JULY 19 85 at 9:00 o'clock A.M., and there remain from day to day and term to term until discharged by law, then and there to testify on behalf of the STATE at whose instance this writ is issued, in a certain case pending in said court wherein STATE OF MISSISSIPPI is Plaintiff and DEDDITT ANDREW FAIRCHILD IS THE Defendant and that he in no wise fail to appear, under the penalty prescribed by law; and have there then this writ.

Given under my hand and seal of said Court, and issued this 26th day of JUNE 19 85

MARIAN BROWN
Circuit Clerk.
By Susie Russell D. C.

…R SERVING PROCESS
…UNTY SHERIFF'S DEPARTMENT
…N COUNTY COURTHOUSE

I have this day executed the within writ [illegible]
by [illegible]
Ann Delmas

a true c[illegible]
This the 1st [illegible] July, 19 85
[illegible]
Jackson County, Mississippi
By Karen Kirk D.S.

No.________

FORREST COUNTY, MISSISSIPPI

vs.

SUBPOENA

Issued ________ 19____

Returnable ________ 19____

Received by me this________ day of
________, 19____
________, Sheriff
By________, D. S.

Returned and filed this the________ day of
________, 19____
________, Clerk
By________, D. C.

Fees of________, Sheriff
Summoning________ Witness $________
Entering and returning writ ... $________
________ $________
Total .... $________

FILED
JUL 8 1985
Marian Brown

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

JULY TERM 19 85

STATE OF MISSISSIPPI

VERSUS CAUSE NO. 10,041

REDDITT ANDREW FAIRCHILD, DEFENDANT

ENTRY OF GUILTY PLEA AND JUDGMENT OF COURT

This day into open Court came the District Attorney who prosecutes for the State of Mississippi and came also Redditt Andrew Fairchild, in his own proper person, and represented by counsel, Hon. Barry Hess, Hon. Wallace Gunn, and Hon. Kim Chaze, and was lawfully arraigned upon an Indictment lawfully returned by the Grand Jury of Forrest County, Mississippi, charging the said defendant with the crime of Conspiracy and being duly advised of all his Constitutional rights in the premises and being further advised of the consequences of such a plea, the defendant did then and there in open Court enter a plea of guilty to said charge, which plea is accepted by the Court., and Defendant is adjudicated to be guilty of Conspiracy.

Therefore, for said offense and on said plea of guilty, it is by the Court ordered and adjudged that the said Redditt Andrew Fairchild be, and he is hereby, sentenced to serve a term of Three (3) years, at the Mississippi Department of Corrections, and fined $5,000.00 plus costs of Court; the Defendant shall be given credit for any time served in the custody of the United States, pursuant to any custodial sentence imposed by the United States Distrcit Court for the Southern District of Mississippi.

Defendant, upon his request, is granted leave of the Court to remain released from custody, so that he may make arrangements concerning his personal and business affairs, and he is to surrender himself to the Sheriff of Forrest County, Mississippi, no later than 9:00 A.M., on August 1, 1985, at which time the Sheriff shall see that this judgment is properly executed.

SO ORDERED AND ADJUDGED, on this, the 8th. day of July, A.D., 1985.

CIRCUIT COURT JUDGE

#10,041 ✓

THE STATE OF MISSISSIPPI, FORREST COUNTY

TO ANY LAWFUL OFFICER OF FORREST COUNTY:

We command you to summons DON LAWLESS, FEDERAL BUREAU OF INVESTIGATION OFFICE FC... ..., MISS. if to be found in your county, to appear before the CIRCUIT Court of said County, at Hattiesburg, Mississippi, therein on the 8th day of JULY 19 85 to give evidence in a certain case now pending before said CIRCUIT Court, between STATE OF MISSISSIPPI Plaintiff, and REDDITT ANDREW FAIRCHILD IS THE Defendant, on the part of the STATE OF MISSISSIPPI; and further to command the said DON LAWLESS to bring with HIM, and produce in evidence TWENTY-NINE EXHIBITS BEARING EXHIBIT NUMBERS 1A THROUGH 1CC AND LAB NUMBER 27611 IN DEA CASE NUMBER G M-80-0011 CONTAINING MARIJUANA AND ONE 70lb. BALE OF MARIJUANA BEARING EXHIBIT NUMBER 2 IN DEA CASE NUMBER G M-80-0011

FILED
JUL 11 1985
Marian Brown
CIRCUIT CLERK

Have you then there this writ.

Witness my hand this the 2nd day of JULY 19

MARIAN BROWN
Circuit Clerk.

By Traci Russell D. C.

Dan Lawler

2

July 65

B. Mayo
Sh. No.

No.______

FORREST COUNTY, MISSISSIPPI

______ COURT

______

vs.

______

SUBPOENA
DUCES TECUM

Issued ______ 19__

Returnable ______ 19__

Received by me this ______ day of

______, 19__

______, Sheriff

By ______, D. S.

Returned and filed this the ______ day of

______, 19__

______, Clerk

By ______, D. C.

Fees of ______, Sheriff

Summoning ______ Witness $______

Entering and returning writ $______

Total $______

2474

FILED
JUL 15 1985
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS — CAUSE NUMBER 10,041

REDDITT ANDREW FAIRCHILD — DEFENDANT

ORDER

THIS DAY this Cause came on to be heard upon the Motion of the State of Mississippi, by and through the Office of the District Attorney, for an Order of this Court for payment of expenses incurred by the State of Mississippi in this Cause, and the Court having heard and considered said Motion and the evidence presented thereon, and finding that the State of Mississippi has incurred expenses in the amount of six hundred sixty-seven dollars ($667.00) for Transcripts of a trial proceeding in the United States Federal District Court for the Southern District of Mississippi in United States v. Robert Royals, H85-00002, and a statement for said expenses is now outstanding and the amount of six hundred sixty-seven dollars ($667.00) is now owed to Certi-Comp Court Reporters, Inc., in Jackson, Mississippi, for services rendered by Bill Hoppoch, the said Bill Hoppoch and the aforesaid Transcripts being subpoenaed before the Court for July 8, 1985, for the trial of this matter, and said Transcripts having been provided, and that the Motion is, therefore, well taken and should be sustained.

IT IS, THEREFORE, ORDERED AND ADJUDGED by this Court that the Warrant of Forrest County, Mississippi, payable to Certi-Comp Court Reporters, Inc., in the amount of six hundred sixty-seven dollars ($667.00) be issued by the Board of Supervisors of Forrest County, Mississippi, and forwarded to the said Certi-Comp Court Reporters, Inc., as payment for the expenses incurred in this Cause.

SO ORDERED AND ADJUDGED on this the 15th. day of

July, A.D., 1985.

CIRCUIT COURT JUDGE

FILED
JUL 15 1985
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS

CAUSE NUMBER 10,041

REDDITT ANDREW FAIRCHILD

DEFENDANT

O R D E R

THIS DAY this Cause came on to be heard upon the Motion of the State of Mississippi, by and through the Office of the District Attorney, for an Order of this Court for the payment of expenses of a material witness in this Cause, and the Court having heard and considered said Motion and the evidence presented thereon, and finding that Eddie Dickey, United States Drug Enforcement Administration, was a material witness in the trial of this case, and attended this Court on July 8, 1985, pursuant to a Subpoena from this Court, and that said witness was advanced two hundred ten dollars ($210.00) under the Uniform Witness Attendance Law, and that said witness has incurred expenses in the amount of four hundred forty-eight dollars and eighty cents ($448.80), and that this Court should enter its Order for payment of the sum of two hundred thirty-eight dollars and eighty cents ($238.80) to Eddie Dickey for expenses incurred in the attendance of trial, and that, therefore, the Motion is well taken and should be sustained.

Total
448.80

IT IS, THEREFORE, ORDERED AND ADJUDGED by this Court that the Warrant of Forrest County, Mississippi, payable to Eddie Dickey, in the amount of two hundred thirty-eight dollars and eighty cents ($238.80) be issued by the Board of Supervisors of Forrest County, Mississippi, and forwarded to the said Eddie Dickey as payment for expenses incurred in the attendance of the trial of this Cause.

SO ORDERED AND ADJUDGED on this the 15th day of July, A.D., 1985.

CIRCUIT COURT JUDGE

FILED
JUL 15 1985
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER 10,041

REDDITT ANDREW FAIRCHILD DEFENDANT

ORDER

THIS DAY this Cause came on to be heard upon the Motion of the State of Mississippi, by and through the Office of the District Attorney, for an Order of this Court for the payment of expenses of a material witness in this Cause, and the Court having heard and considered said Motion and the evidence presented thereon, and finding that Charles J. Malone was a material witness in the trial of this case, and attended this Court on July 8, 1985, pursuant to a Subpoena from this Court, and that said witness was advanced one hundred ninety-five dollars ($195.00) under the Uniform Witness Attendance Law, and that said witness has incurred expenses in the amount of five hundred ninety-three dollars ($593.00) and that this Court should enter its Order for payment of the sum of three hundred ninety-eight dollars ($398.00) to Charles J. Malone for expenses incurred in the attendance of trial, and that, therefore, the Motion is well-taken and should be sustained.

IT IS, THEREFORE, ORDERED AND ADJUDGED by this Court that the Warrant of Forrest County, Mississippi, payable to Charles J. Malone, in the amount of three hundred ninety-eight dollars ($398.00) be issued by the Board of Supervisors of Forrest County, Mississippi, and forwarded to the said Charles J. Malone as payment for expenses incurred in the attendance of the trial of this Cause.

SO ORDERED AND ADJUDGED on this the 15th day of July, A.D., 1985.

CIRCUIT COURT JUDGE

FILED
JUL 15 1985
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER 10,041

REDDITT ANDREW FAIRCHILD DEFENDANT

O R D E R

THIS DAY this Cause came on to be heard upon the Motion of the State of Mississippi, by and through the Office of the District Attorney, for an Order of this Court for the payment of expenses of a material witness in this Cause, and the Court having heard and considered said Motion and the evidence presented thereon, and finding that William C. Gray, United States Drug Enforcement Administration, retired, was a material witness in the trial of this case, and attended this Court on July 8, 1985, pursuant to a Subpoena from this Court, and that said witness has incurred expenses in the amount of thirty-seven dollars and ninety-five cents ($37.95), and that this Court should enter its Order for payment of same to William C. Gray for expenses incurred in the attendance of trial, and that, therefore, the Motion is well taken and should be sustained.

IT IS, THEREFORE, ORDERED AND ADJUDGED by this Court that the Warrant of Forrest County, Mississippi, payable to William C. Gray, in the amount of thirty-seven dollars and ninety-five cents ($37.95) be issued by the Board of Supervisors of Forrest County, Mississippi, and forwarded to the said William C. Gray as payment for expenses incurred in the attendance of the trial of this Cause.

SO ORDERED AND ADJUDGED on this the 15th day of July, A.D., 1985.

CIRCUIT COURT JUDGE

FILED
JUL 15 1985
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER 10,041

REDDITT ANDREW FAIRCHILD DEFENDANT

ORDER

THIS DAY this Cause came on to be heard upon the Motion of the State of Mississippi, by and through the Office of the District Attorney, for an Order of this Court for the payment of expenses of a material witness in this Cause, and the Court having heard and considered said Motion and the evidence presented thereon, and finding that Claude Smith, United States Drug Enforcement Administration, retired, was a material witness in the trial of this case, and attended this Court on July 8, 1985, pursuant to a Subpoena from this Court, and that said witness has incurred expenses in the amount of thirty-seven dollars and ninety-five cents ($37.95), and that this Court should enter its Order for payment of same to Claude Smith for expenses incurred in the attendance of trial, and that, therefore, the Motion is well taken and should be sustained.

IT IS, THEREFORE, ORDERED AND ADJUDGED by this Court that the Warrant of Forrest County, Mississippi, payable to Claude Smith, in the amount of thirty-seven dollars and ninety-five cents ($37.95) be issued by the Board of Supervisors of Forrest County, Mississippi, and forwarded to the said Claude Smith as payment for expenses incurred in the attendance of the trial of this Cause.

SO ORDERED AND ADJUDGED on this the 15th day of July, A.D., 1985.

CIRCUIT COURT JUDGE

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

FILED
AUG 1 1985
9:20 A.M.
Marian Brown
CIRCUIT CLERK

STATE OF MISSISSIPPI PLAINTIFF

VERSUS CAUSE NO.: 10,041

REDDITT ANDREW FAIRCHILD DEFENDANT

AFFIDAVIT

Personally appeared before me the undersigned legal authority in and for the County of Forrest, and State of Mississippi, the undersigned Johnnie R. Fairchild, who after being by me first duly sworn states on oath as follows:

I.

That, on July 31, 1985, at approximately 1:25 P.M., Central Daylight Time he accompanied Redditt Andrew Fairchild to the United States Federal Correctional Institute located approximately three and one half miles East of Tallahassee, Florida, and Redditt Andrew Fairchild and the undersigned were shown into the Receiving room in said Institute, and an Administrative Assistant at said Institute supervised the processing of documents and papers officially taking said Redditt Andrew Fairchild into incarceration at said institute at said time and place, and stated in the presence of Johnnie R. Fairchild that he was taking Mr. Redditt Andrew Fairchild into custody. That a Mr. Cole physically took him into custody and conducted him through two security doors into the incarcerational part of said institute.

Whereupon, said Johnnie R. Fairchild left said Institute.

Further affiant saith naught.

Johnnie R. Fairchild
JOHNNIE R. FAIRCHILD

Sworn to and subscribed before me this 1st day of August, A.D., 1985.

Marian Brown
By: Dee [illegible] D.C.
NOTARY PUBLIC

My Commission Expires:
Jan., 1988

EXHIBIT NO. G-6 EVID
CAUSE NO. H 82-00012(L)
WITNESS [illegible] Fairchild
PAGES 25

JAN 28 1986

UNITED STATES DISTRICT COURT
[illegible] DISTRICT OF [illegible]
Jane Scott REPORTER

GOVERNMENT EXHIBIT 7

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

SOUTHERN DISTRICT OF MISSISSIPPI
FILED
AUG 19 1980
HARVEY G. HENDERSON, CLERK
BY DEPUTY

UNITED STATES OF AMERICA

VS. CRIMINAL NO. H80-00005(C)

MALCOLM DAVID NATHAN,
MARIO TORRES AND
KENNETH ROBERT HATFIELD, JR.

GOVERNMENT
EXHIBIT
7

The Grand Jury charges:

COUNT I

That MALCOLM DAVID NATHAN, MARIO TORRES and KENNETH ROBERT HATFIELD, JR., defendants herein, on or about July 27, 1980, and continuing through August 4, 1980, in the Hattiesburg Division of the Southern District of Mississippi and elsewhere, knowingly and willfully did combine, conspire, confederate and agree together and with each other and with others known and unknown to the grand jury to commit the following offenses against the United States:

To knowingly and intentionally distribute and possess with intent to distribute marihuana, a Schedule I(c) non-narcotic drug controlled substance, in violation of Section 841(a)(1), Title 21, United States Code;

All in violation of Section 846, Title 21, United States Code.

It was part of the conspiracy that the defendants would knowingly make arrangements to land an aircraft at the Hattiesburg Municipal Airport, Forrest County, Mississippi, on August 4, 1980, on which was situated approximately 2,200 pounds of marihuana, the defendants having made arrangements to offload the marihuana into a waiting truck.

COUNT II

That on or about August 4, 1980, in the Hattiesburg Division of the Southern District of Mississippi, MALCOLM DAVID NATHAN and MARIO TORRES knowingly and intentionally did possess with intent to distribute about 2,200 pounds of marihuana, a Schedule I(c) non-narcotic drug controlled substance, in violation of Section 841(a)(1), Title 21, United States Code.

COUNT III

That from on or about August 3, 1980 to August 4, 1980, MALCOLM DAVID NATHAN, MARIO TORRES and KENNETH ROBERT HATFIELD, JR., did travel in interstate commerce from outside the State of Mississippi to and between other states and the State of Mississippi, with the intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment and carrying on of an unlawful activity, the unlawful activity being a business enterprise involving marihuana, a controlled substance, in violation of Sections 841 and 846, Title 21, United States Code, and defendants did thereafter perform and attempt to perform acts to promote, manage, carry on and facilitate the promotion, management and carrying on of the unlawful activity previously described, in violation of Sections 1952(a)(3) and 2, Title 18, United States Code.

UNITED STATES ATTORNEY

A TRUE BILL:

Foreman of the Grand Jury

A TRUE COPY, I HEREBY CERTIFY.
HARVEY G. HENDERSON, CLERK
BY:
Deputy Clerk

Form DJ-19
(Ed. 2-7-46)

No. H80-00005(C)

UNITED STATES DISTRICT COURT

SOUTHERN District of MISSISSIPPI

HATTIESBURG Division

THE UNITED STATES OF AMERICA

vs.

MALCOLM DAVID NATHAN, MARIO TORRES

AND KENNETH ROBERT HATFIELD, JR.

INDICTMENT

Conspiracy to violate Controlled Substances Act, Distributing Controlled Substances and Interstate Travel in Aid of Racketeering Enterprises.

21 U.S.C. 846, 841 and 1952(a)(3)

A true bill,

Cary J. McCoy
Foreman.

Filed ____ day
of ____ A. D. 19__

SOUTHERN DISTRICT OF MISSISSIPPI
FILED
AUG 19 1980
HARVEY G. HENDERSON, CLERK
BY ____ DEPUTY

____ Clerk.

Bail, $____

2488

EXHIBIT NO. G-7 Evid
CAUSE NO. H85-00012(L)
WITNESS George Phillips
PAGES 3

JAN 28 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
REPORTER

GOVERNMENT EXHIBIT 8

GOVERNMENT EXHIBIT 8

ASSIGNMENT OF OVERRIDING ROYALTY ON OIL AND GAS

THE STATE OF MISSISSIPPI
County of FORREST
KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, heretofore, under date of November 5, 1974

TRAVIS HICKS, a Single Man (Divorced)

as Lessor, did execute and deliver to H. B. FAIRCHILD CONSTRUCTION CO., LTD.

as Lessee, an oil, gas and mineral lease covering the following described lands, situated in Mobile County, [illegible] to-wit:

Alabama

[illegible] ATTACHMENT HERETO AND MADE A PART HEREOF [illegible]

THIS CONVEYANCE IS TO BE [illegible] FROM THE FIRST DAY OF PRODUCTION

said lease being recorded in Real Property Book 1406 Pages 0459-[illegible]
of the Conveyance Records of said County, reference to which is here made for all purposes; and

Whereas, said lease or an overriding royalty interest therein is now owned by the undersigned.

NOW, THEREFORE, the undersigned H. B. FAIRCHILD CONSTRUCTION CO., LTD.

for and in consideration of [illegible] TEN [illegible] ($10.00) Dollars

and other valuable considerations cash to him in hand paid by

the receipt whereof is hereby acknowledged, does hereby bargain, sell and assign unto

an overriding royalty equal to

3/70th of 1/8th part of all oil which may be produced and saved by Lessee, his heirs, successors or assigns from said premises under and by virtue of the above mentioned lease, delivery of such oil to be made free of cost to the credit of assignee into storage tanks provided by assignee, or into the pipe line to which the wells on said premises may be connected. On dry gas or casinghead gas, as is marketed from said premises, under and by virtue of the above mentioned lease, assignee shall be paid A Proportionate Part of

part of the net proceeds at the wells derived therefrom; and on casinghead gas or other gaseous or vaporous substance produced from said premises under and by virtue of said lease and utilized by Lessee, his successors and assigns in the manufacture of gasoline, assignee shall be paid

A proportionate part of the current market value at the wells of the casinghead gas or other gaseous or vaporous substance so utilized, and assignor shall not be required to make settlement with assignee therefor until assignee shall have executed and delivered to assignor the form of division order then in use by assignor covering the casinghead gas so utilized.

Fuel oil and gas for operating the premises and for treating and handling the products therefrom, and a proportionate part of fuel oil and gas consumed in a central plant, should this lease be operated in conjunction with other premises through the use of such plant, shall be deducted before said overriding royalties on oil and gas are computed.

After production is secured from said premises, assignor, his successors, heirs or assigns [illegible] identical fuel produced on said premises procure fuel elsewhere and charge the same against current [illegible] from the leased premises and said overriding royalty [illegible] in that event be [illegible]

[illegible]

ASSIGNMENT OF OVERRIDING ROYALTY ON OIL AND GAS

THE STATE OF MISSISSIPPI
County of FORREST

KNOW ALL MEN BY THESE PRESENTS: that

WHEREAS, heretofore, under date of November 5, 1974

TRAVIS HICKS, a Single Man (Divorced)

as Lessor, did execute and deliver to W. R. FAIRCHILD CONSTRUCTION CO., LTD.

as Lessee, an oil, gas and mineral lease covering the following described lands, situated in Mobile County, ~~Mississippi~~ to-wit:
Alabama

******SEE ATTACHMENT HERETO AND MADE A PART HEREOF******

THIS CONVEYANCE IS TO BE EFFECTIVE FROM THE FIRST DAY OF PRODUCTION.

said lease being recorded in Real Property Book 1400 Pages 0449-0450 of the Conveyance Records of said County, reference to which is here made for all purposes; and,

Whereas, said lease or an overriding royalty interest therein is now owned by the undersigned.

NOW, THEREFORE, the undersigned W. R. FAIRCHILD CONSTRUCTION CO., LTD.

for and in consideration of -------- TEN --------------- ($ 10.00) Dollars and other valuable considerations cash to him in hand paid by ______ the receipt whereof is hereby acknowledged, does hereby bargain, sell and assign unto ______ an overriding royalty equal to 3/20th of 1/8th part of all oil which may be produced and saved by Lessee, his heirs, successors, or assigns from said premises under and by virtue of the above mentioned lease, delivery of such oil to be made free of cost to the credit of assignee into storage tanks provided by assignee, or into the pipe line to which the wells on said premises may be connected. On dry gas or casinghead gas, when marketed from said premises, under and by virtue of the above mentioned lease, assignee shall be paid A Proportionate Part of ______ part of the net proceeds at the wells derived therefrom; and on casinghead gas or other gaseous or vaporous substances produced from said premises under and by virtue of said lease, and utilized by Lessee, his successors and assigns in the manufacture of gasoline, assignee shall be paid A proportionate part of the current market value at the wells of the casinghead gas or other gaseous or vaporous substances so utilized, and assignor shall not be required to make settlement with assignee thereafter until assignee shall have executed and delivered to assignor the form of casinghead division order then in use by assignor covering the casinghead gas so utilized.

Fuel oil and gas for operating the premises and for treating and handling the products therefrom, (and the proportionate part of fuel oil and gas consumed in a central plant, should this lease be operated jointly with other premises through the use of such plant) shall be deducted before said overriding royalties on oil and gas are computed.

After production is secured from said premises, Lessee, his heirs, successors or assigns may, in lieu of using the [illegible] fuel produced on said premises, procure fuel elsewhere and charge the same against current production from the leased premises, and said overriding royalties on oil and gas shall in that event be computed on the basis of the net oil produced and saved, and the net gas produced and marketed from said premises, after the deduction of the amount of, and/or charges for the oil and gas so used for fuel.

The overriding royalty hereby assigned [illegible] subject to the right and power of assignor, and such right and power is hereby reserved by assignor, [illegible] the overriding royalty herein assigned may be subjected thereby, to pool or combine the acreage covered by the lease above described, or any portion thereof, as to oil and gas, or either of them, with other land, lease or leases in the immediate vicinity thereof, to the extent hereinafter stipulated, when in assignor's judgment it is necessary or advisable to do so in order properly to explore or to develop and operate said leased premises in compliance with the spacing rules and regulations of State and Federal Governmental authority, or when to do so would, in the judgment of assignor, promote the conservation of oil and gas from said premises. Units pooled for oil hereunder shall not substantially exceed 40 acres in area, and [illegible] tolerance of 10% thereof, [illegible]

It is expressly agreed that operations, if any, on said premises, and the extent and duration thereof, as well as the [illegible]

[illegible]

The assignment is made without warranty, either express or implied. The terms hereof shall extend to and be binding upon the parties hereto, their heirs, legal representatives, successors and assigns.

IN WITNESS WHEREOF, this instrument is executed on this the 25th

day of February A. D. 19 81

Partner and General Manager

STATE OF [illegible]

County of [illegible]

THIS DAY personally appeared before me, the undersigned Notary Public in and for said County and State, the within named [illegible]

[illegible]

GIVEN under my hand and official seal this 25th day of February A. D. 19 81

(Affix Seal)

My Commission expires [illegible] Notary Public.

[illegible]1/4 [illegible]1/4 Sec. [illegible] 1/2 [illegible] of [illegible] of SE1/[illegible]
Sec. 28-T2S-R1W, exc. pt in [illegible] Ct MB 23 P 6, R/W [illegible] JoGinkoli Dr; con[illegible]
20 Acres, more or less.

IT IS THE INTE[illegible] THE GRANTOR [illegible] AN INTEREST TO A DEPTH OF 100 FEET BEL[illegible] THE DEPTH OF AN[illegible] CURRENTLY IN PRODUCTION ON SAID ACREAGE.

IT IS THE INTE[illegible] OF THE GRANTOR TO [illegible] (4) FULL OVERRIDING ROYALTY ACRES IN THE ABOVE DESCRIBED PROPERTY.

SIGNED FOR IDENTIFICATION

WITNESSES:

EXHIBIT NO. G-8 EVID
CAUSE NO. H85-00012(L)
WITNESS Walter L. Jarvis Jr.
PAGES 2

JAN 29 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT [illegible]
Alene Scott REPORTER

GOVERNMENT EXHIBIT 9

OVERRIDING

ROYALTY DEED

(Texas)

GOVERNMENT EXHIBIT 9

Know All Men By These Presents:

[illegible]

TOWNSHIP 2 NORTH, RANGE 13 WEST

[illegible]

[illegible]

[illegible] FULL OVERRIDING ROYALTY ACRES

THIS CONVEYANCE IS TO BE EFFECTIVE FROM THE FIRST DAY OF PRODUCTION

[illegible]

WITNESS [illegible] February [illegible]

OVERRIDING ROYALTY DEED

(Term)

Know All Men By These Presents:

That W. R. FAIRCHILD CONSTRUCTION CO., LTD.

for and in consideration of the price and sum of

-------------- TEN --------------

($10.00) Dollars and other valuable consideration, paid in hand paid by

hereinafter referred to as grantee, has granted, bargained, sold and conveyed, and does by these presents grant, bargain, sell and convey, unto the said grantee the mineral royalty interest hereinafter set out affecting and relating to the following described lands in the County of Marion, State of Mississippi, to-wit:

TOWNSHIP 5 NORTH, RANGE 19 WEST

Section 28: NE¼ of SE¼; S½ of SE¼; N½ of SW¼ of SW¼; SE¼ of SW¼; N½ of SW¼ and S½ of NW¼

IT IS THE INTENT OF THE GRANTOR TO CONVEY AN INTEREST TO A DEPTH OF 100 FEET BELOW THE DEPTH OF ANY WELL NOW BEING DRILLED OR CURRENTLY IN PRODUCTION ON SAID ACREAGE.

IT IS THE INTENT OF THE GRANTOR TO CONVEY ~~ONE (1)~~ Three FULL OVERRIDING ROYALTY ACRES

THIS CONVEYANCE IS TO BE EFFECTIVE FROM THE FIRST DAY OF PRODUCTION.

This conveyance shall be for a period of TWO years from date hereof, and as long thereafter as oil, gas or other minerals are produced from said lands, or from lands with which said lands are pooled or unitized, and also so long thereafter as drilling or reworking operations are being conducted on said lands, or on lands pooled or unitized therewith, without more than 90 days cessation of operations, in an effort to produce oil, gas or other minerals, and if said operations result in the production of said minerals, then for so long thereafter as oil, gas or other minerals are produced from said lands, or from lands pooled or unitized therewith. A shut-in gas well shall be considered as a producing well and shall perpetuate the term of this conveyance.

The royalty interests and rights herein sold, transferred, and conveyed are:

(a) 3/340th of 1/8th of the whole of any oil, gas or other minerals, except sulphur, on and under and to be produced from said lands; delivery of said royalties to be made to the purchaser herein in the same manner as is provided for the delivery of royalties by any present or future mineral lease affecting said lands.

(b) Proportionate part of cents per long ton for all sulphur produced from said lands, payments therefor to be made monthly for sulphur marketed.

This sale and transfer is made and accepted subject to any oil, gas and mineral lease now affecting said lands, but the royalties hereinabove described shall be delivered and/or paid to the purchaser out of and deducted from the royalties reserved to the lessor in any such lease. This sale and transfer, however, is not limited to royalties accruing under any lease presently affecting said lands, but the rights herein granted [illegible] charge and burden on the land [illegible] leases of said lands [illegible] termination of any present lease, [illegible] the whole of any oil, gas or other minerals produced from said lands by the [illegible].

The grantor herein reserves the right to grant future leases affecting said [illegible] be included therein, for the benefit of the grantee herein, the royalty rights herein conveyed; [illegible] and retain all bonuses and rentals paid for or in connection with any future lease [illegible].

TO HAVE AND TO HOLD said royalty rights unto the said purchaser, for the term above stated, and the said grantor hereby agrees to warrant and forever defend said rights unto the said purchaser against any person whomsoever lawfully claiming or to claim the same.

WITNESS the signature of grantor, this the 25th day of February, 1981

WITNESSES:

JOINT OR SINGLE ACKNOWLEDGMENT
(MISSISSIPPI-ALABAMA-FLORIDA)

STATE OF Mississippi

COUNTY OF Forrest

I hereby certify, that on this day, before me, a NOTARY PUBLIC duly authorized in the state and county aforesaid to take acknowledgments, personally appeared WILEY FAIRCHILD to me known to be the person ______ described in and who executed the foregoing instrument and ______ he ______ acknowledged before me that, being informed of the contents of the same, ______ he ______ voluntarily signed and delivered the within and foregoing instrument on the day and year therein mentioned.

Given under my hand and official seal, this 25th day of February A.D. 19 81.

(Affix Seal)

Lynnette A. Smith
Notary Public
(Title of Official)

My commission expires 12-27-82 in and for Forrest County, Mississippi

WITNESS ACKNOWLEDGMENT
(MISSISSIPPI-ALABAMA-FLORIDA)

STATE OF ______

COUNTY OF ______

I, a ______ in and for the aforesaid jurisdiction, hereby certify that ______ a subscribing witness to the foregoing instrument, known to me, appeared before me on this day, and being sworn, stated that the grantor(s), having been informed of the contents thereof, voluntarily executed and delivered the same in his presence, and in the presence of the other subscribing witness, on the day the same bears date; that he attested the same in the presence of the grantor(s), and of the other witness, and that such other witness subscribed his name as a witness in his presence.

______
(Subscribing Witness)

Given under my hand and official seal, this ______ day of ______ 19__.

(Affix Seal)

______
(Title of Official)

My commission expires ______ in and for ______ County.

EXHIBIT NO. G-9 EVID
CAUSE NO. H85-0012(C)
WITNESS
PAGES
JAN 29 1986
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
REPORTER

OVERRIDING
ROYALTY DEED

FROM

TO

GOVERNMENT EXHIBIT 10

GOVERNMENT EXHIBIT 10

ROYALTY DEED

(Texas)

Know All Men By These Presents:

That [illegible] for and in consideration of the sum of [illegible]

[redacted]

PRINTED AND FOR SALE BY
HEDERMAN BROS., JACKSON, MISS.

OVERRIDING
ROYALTY DEED
(Term)

Know All Men By These Presents:

That FAIRCHILD-WINDHAM EXPLORATION COMPANY for and in consideration of the price and sum of ---------------- TEN ---------------- ($ 10.00) Dollars and other valuable considerations, cash in hand paid by

hereinafter referred to as grantee, has granted, bargained, sold and conveyed, and does by these presents grant, bargain, sell and convey, unto the said grantee the mineral royalty interest hereinafter set out affecting and relating to the following described lands in the County of Covington, State of Mississippi, to-wit:

TOWNSHIP 7 NORTH, RANGE 17 WEST

Section 2: N½ of NE¼ and SE¼ of NE¼; and
N½ of NE¼ of SE¼

IT IS THE INTENT OF THE GRANTOR TO CONVEY AN INTEREST TO A DEPTH OF 100 FEET BELOW THE DEPTH OF ANY WELL NOW BEING DRILLED OR CURRENTLY IN PRODUCTION ON SAID ACREAGE.

IT IS THE INTENT OF THE GRANTOR TO CONVEY ~~ONE (1)~~ Five (5) FULL OVERRIDING ROYALTY ACRES.

THIS CONVEYANCE IS TO BE EFFECTIVE FROM THE FIRST DAY OF PRODUCTION.

This conveyance shall be for a period of TWO years from date hereof, and as long thereafter as oil, gas or other minerals are produced from said lands, or from lands with which said lands are pooled or unitized, and also as long thereafter as drilling or reworking operations are being conducted on said lands, or on lands pooled or unitized therewith, without more than 60 days cessation of operations, in an effort to produce oil, gas or other minerals, and if said operations result in the production of said minerals, then for so long thereafter as oil, gas or other minerals are produced from said lands, or from lands pooled or unitized therewith. A shut-in gas well shall be considered as a producing well and shall perpetuate the term of this conveyance.

The royalty interests and rights herein sold, transferred and conveyed are:

(a) 5/140th of 1/8th of the whole of any oil, gas or other minerals, except sulphur, on and under and to be produced from said lands, delivery of said royalties to be made to the purchaser herein in the same manner as is provided for the delivery of royalties by any present or future mineral lease affecting said lands.

(b) Proportionate part of [illegible] cents per long ton for all sulphur produced from said lands, payment therefor to be made monthly for sulphur marketed.

This sale and transfer is made and accepted subject to any oil, gas and mineral lease now affecting said lands, but the royalties hereinabove described shall be delivered and/or paid to the purchaser out of and deducted from the royalties reserved to the lessor in any such lease. This mineral transfer, however, is not limited to royalties accruing under any lease presently affecting said lands, but the rights herein granted are and shall constitute a charge and burden on the land herein described and binding on any future owners or lessees of said lands and, in the event of the termination of any present lease, the said royalties shall be delivered and/or paid out of the whole of any oil, gas or other minerals produced from said lands by the owner, lessee or anyone else operating thereon.

The grantor herein reserves the right to grant future leases affecting said lands so long as there shall be included therein, for the benefit of the grantee herein, the royalty rights herein conveyed, and the grantor herein further reserves the right to collect and retain all bonuses and rentals paid for or in connection with any future lease or leasing under the lease now outstanding.

TO HAVE AND TO HOLD said royalty rights unto the said purchaser, for the term above stated, and the said grantor hereby agrees to warrant and forever defend said rights unto the said purchaser against any person whomsoever lawfully claiming or to claim the same.

WITNESS the signature of grantor, this the 25th day of February, 19 81

WITNESSES:

[illegible]

STATE OF Mississippi

COUNTY OF Forrest

I hereby certify, that on this day, before me, a NOTARY PUBLIC

duly authorized in the state and county aforesaid to take acknowledgments, personally appeared

WILEY FAIRCHILD

to me known to be the person ______ described in and who executed the foregoing instrument and ______ he ______ acknowledged before me that, being informed of the contents of the same, ______ he ______ voluntarily signed and delivered the within and foregoing instrument on the day and year therein mentioned.

Given under my hand and official seal, this [illegible] day of February A.D. 19 82

(Affix Seal) Lynnette F. Smith

Notary Public.

My commission expires 12-27-82 in and for Forrest County, Mississippi.

[illegible]

STATE OF ______

COUNTY OF ______

I, ______ in and for the aforesaid jurisdiction, hereby certify that ______

______ a subscribing witness to the foregoing instrument, [illegible]

[illegible]

Given under my hand and official seal, this ______ day of ______, 19___

(Affix Seal) ______

______

My commission expires ______ in and for ______ County, ______

ROYALTY DEED

[redacted] Co.

PRINTED AND FOR SALE BY [illegible], JACKSON, MISS.

OVERRIDING
ROYALTY DEED
(Term)

Know All Men By These Presents:

That FAIRCHILD-WINDHAM EXPLORATION COMPANY for and in consideration of the price and sum of ---------------- TEN ---------------- ($ 10.00) Dollars and other valuable considerations, cash in hand paid by

hereinafter referred to as grantee, has granted, bargained, sold and conveyed, and does by these presents grant, bargain, sell and convey, unto the said grantee the mineral royalty interest hereinafter set out affecting and relating to the following described lands in the County of Covington, State of Mississippi, to-wit:

TOWNSHIP 7 NORTH, RANGE 17 WEST

Section 2: N½ of NE¼ and SE¼ of NE¼; and
N½ of NE¼ of SE¼

IT IS THE INTENT OF THE GRANTOR TO CONVEY AN INTEREST TO A DEPTH OF 100 FEET BELOW THE DEPTH OF ANY WELL NOW BEING DRILLED OR CURRENTLY IN PRODUCTION ON SAID ACREAGE.

IT IS THE INTENT OF THE GRANTOR TO CONVEY ~~ONE (1)~~ FIVE (5) FULL OVERRIDING ROYALTY ACRES.

THIS CONVEYANCE IS TO BE EFFECTIVE FROM THE FIRST DAY OF PRODUCTION.

This conveyance shall be for a period of TWO years from date hereof, and as long thereafter as oil, gas or other minerals are produced from said lands, or from lands with which said lands are pooled or unitized, [illegible]

The royalty interest herein sold, transferred and conveyed [illegible]

(a) 5/140th of 1/8th of the whole of any oil, gas or other minerals, [illegible] delivery of said royalties to be made to the purchaser herein in the same manner as is provided for the delivery of royalties by any present or future mineral lease affecting said lands.

(b) Proportionate part of [illegible] per long ton for all sulphur produced from said lands, payments therefor to be made monthly for sulphur marketed.

This sale and transfer is made and accepted subject to any oil, gas and mineral lease now affecting said lands, [illegible]

The grantor herein reserves the right to grant future leases affecting said lands [illegible]

TO HAVE AND TO HOLD said royalty rights unto the said purchaser, for the term above stated, and the said grantor hereby agrees to warrant and forever defend said rights unto the said purchaser against any person whomsoever lawfully claiming or to claim the same.

WITNESS the signature of grantor, this the 25th day of February, 19 61

WITNESSES:

R. I. [illegible]

Sherry [illegible]

GOVERNMENT EXHIBIT 11

GOVERNMENT
EXHIBIT
11

EXHIBIT NO C-11 EVID.
CAUSE NO H85-00012(L)
WITNESS [illegible]
PAGE

JAN 29 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF [illegible]
Diane Scott REPORTER

GOVERNMENT EXHIBIT 12

GOVERNMENT EXHIBIT 12

UNITED STATES OF AMERICA

STATE OF ALABAMA

IN THE PROBATE COURT OF MOBILE COUNTY

I, Joe D. McEarchern, Jr., Chief Clerk of the Probate Court in and for said County and State, do hereby certify, that the annexed .3... Page(s) is a true and correct copy of ..the instrument recorded in ....

.......Real Property Book 2401 Page 406 et seq.......................................

....

....

....

as the same appears of record in the said Probate Court,

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the said Court, in the City of Mobile, this the .11th... day of .December....... in the year of our Lord one thousand nine hundred Eighty-Five...... and of the Independence of the United States the ...210th.............. year ....

....
Chief Clerk

STATE OF ALABAMA

Mobile County

I, L. W. NOONAN, sole Judge of the Probate Court of Mobile County, in the State of Alabama, do hereby certify that Joe D. McEarchern, Jr., is the Chief Clerk of said Court; that the same is a Court of Record, having probate jurisdiction, and that the signature of Joe D. McEarchern, Jr., Chief Clerk; to the foregoing certificate is in proper handwriting of him, the said Joe D. McEarchern, Jr., Chief Clerk; to his official acts as such, full faith and credit are due and owing; and I do further certify that his attestation is in due form of law.

GIVEN, under my hand and seal of said Court, in the City of Mobile, on this ....11th.. day of ..December............. A.D. 19 .85.........

....
Probate Judge

I, Joe D. McEarchern, Jr., Chief Clerk of the Probate Court of Mobile County, in the State of Alabama, do hereby certify that L. W. NOONAN, whose genuine signature appears to the foregoing certificate, is now and was at the time of signing the same, sole Judge of the Probate Court of Mobile County, duly elected and commissioned, and qualified as such; and that said attestation is in due form of law.

WITNESS, My hand and seal of said Court, this ......11th................ day of ...December........................ A.D. 1985..........

....
Chief Clerk

787272

ASSIGNMENT OF OVERRIDING ROYALTY ON OIL AND GAS

THE STATE OF MISSISSIPPI
County of FORREST

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, heretofore, under date of November 5, 1974

TRAVIS HICKS, a Single Man (Divorced)

as Lessor, did execute and deliver to W. R. FAIRCHILD CONSTRUCTION CO., LTD.

as Lessee, an oil, gas and mineral lease covering the following described lands, situated in Mobile County, ~~Mississippi~~ to wit:

TOWNSHIP 2 SOUTH, RANGE 1 WEST

NW1/4 of SE1/4 Sec. 28, T2S, R1W, undiv. 1/2 int S1/2 of E1/2 of N1/2 of SE1/4, Sec. 28-T2S-R1W, exc. pt into Suburban Ct MBK 23 P 6, R/W JoGinnell Dr, containing 20 Acres, more or less.

IT IS THE INTENT OF THE GRANTOR TO CONVEY AN INTEREST TO A DEPTH OF 100 FEET BELOW THE DEPTH OF ANY WELL NOW BEING DRILLED OR CURRENTLY IN PRODUCTION ON SAID ACREAGE.

IT IS THE INTENT OF THE GRANTOR TO CONVEY THREE (3) FULL OVERRIDING ROYALTY ACRES IN THE ABOVE DESCRIBED PROPERTY.

SIGNED FOR IDENTIFICATION

WITNESSES:

Billy Riley

W. R. FAIRCHILD CONSTRUCTION CO.

WILEY FAIRCHILD
Partner and General Manager

Alabama

******SEE ATTACHMENT HERETO AND MADE A PART OF HEREOF******

THIS CONVEYANCE IS TO BE EFFECTIVE FROM THE FIRST DAY OF PRODUCTION.

said lease being recorded in Real Property Book 1400 Pages 0449-0450 of the Conveyance Records of said County, reference to which is here made for all purposes; and,

Whereas, said lease or an overriding royalty interest therein is now owned by the undersigned.

NOW, THEREFORE, the undersigned W. R. FAIRCHILD CONSTRUCTION CO., LTD. for and in consideration of -------- TEN -------------- ($ 10.00) Dollars and other valuable considerations cash to him in hand paid by Walter L. Nixon, Jr. the receipt whereof is hereby acknowledged, does hereby bargain, sell and assign unto

Walter L. Nixon, Jr., P. O. Drawer A
Biloxi, Mississippi 39533

an overriding royalty equal to 3/20th of 1/8th part of all oil which may be produced and saved by Lessee, his heirs, successors, or assigns from said premises under and by virtue of the above mentioned lease, delivery of such oil to be made free of cost to the credit of assignee into storage tanks provided by assignee, or into the pipe line to which the wells on said premises may be connected. On dry gas or casinghead gas, when marketed from said premises, under and by virtue of the above mentioned lease, assignee shall be paid A Proportionate Part of, part of the net proceeds at the wells derived therefrom; and on casinghead gas or other gaseous or vaporous substance produced from said premises under and by virtue of said lease, and utilized by Lessee, his successors and assigns in the manufacture of gasoline, assignee shall be paid A proportionate part of the current market value at the wells of the casinghead gas or other gaseous or vaporous substance so utilized, and assignor shall not be required to make settlement with assignee therefor until assignee shall have executed and delivered to assignor the form of casinghead division order then in use by assignor covering the casinghead gas so utilized.

Fuel oil and gas for operating the premises, and for treating and handling the products therefrom, (and the proportionate part of fuel oil and gas consumed in a central plant, should this lease be operated jointly with other premises through the use of such plant) shall be deducted before said overriding royalties on oil and gas are computed.

After production is secured from said premises, Lessee, his heirs, successors or assigns may, in lieu of using the identical fuel produced on said premises, procure fuel otherwise and charge the same against current production from the leased premises, and said overriding royalties on oil and gas shall in that event be computed on the basis of the net oil produced and saved, and the net gas produced and marketed from said premises, after the deduction of the amount of, and/or charges for the oil and gas so used for fuel.

The overriding royalties herein assigned are assigned subject to the right and power of assignor, and such right and power is hereby reserved by assignor, insofar as the overriding royalties herein assigned may be affected thereby, to pool or combine the acreage covered by the lease above described, or any portion thereof, as to oil and gas, or either of them, with other land, lease or leases in the immediate vicinity thereof to the extent, hereinafter stipulated, when in assignor's judgment it is necessary or advisable to do so in order properly to explore or to develop and operate said leased premises in compliance with the orders, rules and regulations of State and Federal Governmental authority, or when to do so would, in the judgment of assignor, promote the conservation of oil and gas from said premises. Units pooled for oil hereunder shall not substantially exceed 40 acres in area, and units pooled for gas hereunder shall not substantially exceed in area 320 acres plus a tolerance of 10% thereof, provided, that should governmental authority having jurisdiction prescribe or permit the creation of units larger than those specified, units thereafter created may conform substantially in size with those prescribed by governmental regulations. Assignor under the provisions hereof may pool or combine acreage covered by the lease above described or any portion thereof as above provided as to oil in any one or more strata and as to gas in any one or more strata. The units formed by pooling as to any stratum or strata need not conform in size or area with the unit or units into which said lease is pooled or combined as to any other stratum or strata, and oil units need not conform as to area with gas units. The pooling in one or more instances shall not exhaust the rights of assignor to pool the lease above described or portions thereof into other units. Assignor shall file for record in the appropriate records of the county in which the leased premises are situated an instrument describing and designating the pooled acreage as a pooled unit. The pooled unit may include but it is not required to include, land or leases upon which a well capable of producing oil or gas in paying quantities has theretofore been completed or upon which operations for the drilling of a well for oil or gas have theretofore been commenced. Assignor may at its election exercise its pooling option after commencing operations for or completing an oil or gas well on the leased premises. The entire acreage so pooled into a unit shall be treated for all purposes, except the payment of royalties on production from the pooled unit, as if the same were included in the lease above described. In lieu of the overriding royalties hereby assigned and which may become payable on production from a pooled unit, there shall be allocated to the land covered by the lease above described and included in said unit a pro rata portion of the oil and gas, or either of them, produced from the pooled unit, after deducting therefrom that used for operations on the pooled unit, and in addition thereto, as to gas, that which may be furnished to the lessors therein for use on such leases in accordance with their terms. Such allocation shall be on an acreage basis, that is to say, there shall be allocated to the acreage covered by the lease above described and included in the pooled unit that pro rata portion of the oil and gas, or either of them, produced from the pooled unit which the number of surface acres covered by the lease above described and included in the pooled unit bears to the total number of surface acres included in the pooled unit. Overriding royalties payable hereunder shall be computed on the portion of such production whether it be oil and gas, or either of them, so allocated to the land covered by the lease above described and included in the unit just as though such production were from such land. Any pooled unit designated by assignor in accordance with the terms hereof, may be dissolved by assignor by instrument filed for record in the appropriate records of the county in which the leased premises are situated at any time after completion of a dry hole or the cessation of production on said unit.

It is expressly agreed that operations, if any, on said premises, and the extent and duration thereof, as well as the preservation of the leasehold, by rental payments or otherwise, shall be solely at the will of Lessee, his heirs, successors or assigns.

If Lessor in said lease owns a less interest in the premises covered thereby than the entire and undivided fee, then said overriding royalties shall be payable to assignee herein in the proportion which the interest of the Lessor in said land bears to the entire and undivided fee.

The assignment, is made without warranty, either express or implied. The terms hereof shall extend to and be binding upon the parties hereto, their heirs, legal representatives, successors and assigns.

IN WITNESS WHEREOF, this instrument is executed on this the 25th

day of February A. D. 80

Wiley Fairchild
Partner and General Manager of W. R.
Fairchild Construction Co., Ltd.

STATE OF MISSISSIPPI,
County of FORREST

THIS DAY personally appeared before me, the undersigned Notary Public in and for said County and State, the within named WILEY FAIRCHILD who acknowledged that he signed and delivered the within and foregoing instrument on the day and year therein mentioned.

GIVEN under my hand and seal of office, this 25th day of February, A. D. 19 80

Lynnette F. Smith
Notary Public.

My Commission expires: 12-27-82

STATE OF MISSISSIPPI
I CERTIFY THIS INSTRUMENT
WAS FILED ON
Oct 19 10 43 AM '82
580
230

PREPARED BY:
Wiley Fairchild
P. O. Box 1857
Hattiesburg, MS 39401

58B-109-1A185

EXHIBIT NO. G-12 EVID.
CAUSE NO. H85-0012(L)
WITNESS Walter L. Gasan, Jr.
PAGES 4

JAN 29 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
REPORTER

units pooled for gas hereunder shall not substantially exceed in area 320 acres plus a tolerance of 10% thereof; provided that should governmental authority having jurisdiction prescribed or permit the creation of units larger than those specified, units thereafter created may conform substantially in size with those prescribed by governmental regulations. Assignor under the provisions hereof may pool or combine acreage covered by the lease above described, or any portion thereof as above provided as to oil in any one or more strata and as to gas in any one or more strata. The units formed by pooling as to any stratum or strata need not conform in size or area with the unit or units into which said lease is pooled or combined as to any other stratum or strata, and oil units need not conform as to area with gas units. The pooling in one or more instances shall not exhaust the rights of assignor to pool the lease above described or portions thereof into other units. Assignor shall file for record in the appropriate records of the county in which the leased premises are situated an instrument describing and designating the pooled acreage as a pooled unit. The pooled unit may include, but it is not required to include, land or leases upon which a well capable of producing oil or gas in paying quantities has theretofore been completed or upon which operations for the drilling of a well for oil or gas have theretofore been commenced. Assignor may at its election exercise its pooling option after commencing operations for or completing an oil or gas well on the leased premises. The entire acreage so pooled into a unit shall be treated for all purposes, except the payment of royalties on production from the pooled unit, as if the same were included in the lease above described. In lieu of the overriding royalties hereby assigned and which may become payable on production from a pooled unit, there shall be allocated to the land covered by the lease above described and included in said unit a pro rata portion of the oil and gas, or either of them, produced from the pooled unit, after deducting therefrom that used for operations on the pooled unit, and in addition thereto, as to gas, that which may be furnished to the lessors therein for use on such leases in accordance with their terms. Such allocation shall be on an acreage basis, that is to say, there shall be allocated to the acreage covered by the lease above described and included in the pooled unit that pro rata portion of the oil and gas, or either of them, produced from the pooled unit which the number of surface acres covered by the lease above described and included in the pooled unit bears to the total number of surface acres included in the pooled unit. Overriding royalties payable hereunder shall be computed on the portion of such production whether it be oil and gas, or either of them, so allocated to the land covered by the lease above described and included in the unit just as though such production were from such land. Any pooled unit designated by assignor in accordance with the terms hereof, may be dissolved by assignor by instrument filed for record in the appropriate records of the county in which the leased premises are situated at any time after completion of a dry hole or the cessation of production on said unit.

It is expressly agreed that operations, if any, on said premises, and the extent and duration thereof, as well as the preservation of the leasehold, by rental payments or otherwise, shall be solely at the will of Lessee, his heirs, successors or assigns.

If Lessor in said lease owns a less interest in the premises covered thereby than the entire and undivided fee, then said overriding royalties shall be payable to assignee herein in the proportion which the interest of the Lessor in said land bears to the entire and undivided fee.

The assignment is made without warranty, either express or implied. The terms hereof shall extend to and be binding upon the parties herein, their heirs, legal representatives, successors and assigns.

IN WITNESS WHEREOF, this instrument is executed on this the 25th

day of February A. D., 1980

Wiley Fairchild
Partner and General Manager of W. R.
Fairchild Construction Co., Ltd

STATE OF MISSISSIPPI,
County of FORREST

THIS DAY personally appeared before me, the undersigned Notary Public in and for said County and State, the within named WILEY FAIRCHILD who acknowledged that he signed and delivered the within and foregoing instrument on the day and year therein mentioned.

GIVEN under my hand and seal of office, this 25th day of February A. D. 1980

Lynnette F. Smith
Notary Public.

My Commission expires: 12-27-82

PREPARED BY:
Wiley Fairchild
P. O. Box 1857
Hattiesburg, MS 39401

RECORD FEE 5.00
I CERTIFY THIS INSTRUMENT WAS FILED ON
OCT 19 10 41 AM '82

GOVERNMENT EXHIBIT 13

GOVERNMENT
EXHIBIT
13

2518

This is a true and correct copy
this the 3 day of Jan 1986
CODY M. BUCKLEY
CHANCERY CLERK
Barbara Ham DC

Form M-187 Rev. 11/74
Mississippi-Alabama-Florida

PRINTED AND FOR SALE BY
HEDERMAN BROS., JACKSON, MISS.

OVERRIDING
ROYALTY DEED

(Term)

BOOK 836 PAGE 258

Know All Men By These Presents:

That W. R. FAIRCHILD CONSTRUCTION CO., LTD. for and in consideration of the price and sum of ---------------- TEN ---------------- ($ 10.00) Dollars and other valuable considerations, cash in hand paid by WALTER L. NIXON, JR.

hereinafter referred to as grantee, has granted, bargained, sold and conveyed, and does by these presents grant, bargain, sell and convey, unto the said grantee the mineral royalty interest hereinafter set out affecting and relating to the following described lands in the County of Marion, State of Mississippi, to-wit:

TOWNSHIP 5 NORTH, RANGE 19 WEST

Section 28: NE¼ of SE¼; S½ of SE¼; N½ of SW¼ of SW¼; SE¼ of SW¼; N½ of SW¼ and S½ of NW¼

IT IS THE INTENT OF THE GRANTOR TO CONVEY AN INTEREST TO A DEPTH OF 100 FEET BELOW THE DEPTH OF ANY WELL NOW BEING DRILLED OR CURRENTLY IN PRODUCTION ON SAID ACREAGE.

IT IS THE INTENT OF THE GRANTOR TO CONVEY THREE (3) FULL OVERRIDING ROYALTY ACRES.

THIS CONVEYANCE IS TO BE EFFECTIVE FROM THE FIRST DAY OF PRODUCTION.

MINERAL TAX CANCELLED MARION CO. MISSISSIPPI ONE

This conveyance shall be for a period of TWO years from date hereof, and as long thereafter as oil, gas or other minerals are produced from said lands, or from lands with which said lands are pooled or unitized, and also as long thereafter as drilling or reworking operations are being conducted on said lands, or on lands pooled or unitized therewith, without more than 90 days cessation of operations, in an effort to produce oil, gas or other minerals, and if said operations result in the production of said minerals, then for as long thereafter as oil, gas or other minerals are produced from said lands, or from lands pooled or unitized therewith. A shut-in gas well shall be considered as a producing well and shall perpetuate the term of this conveyance.

The royalty interests and rights herein sold, transferred and conveyed are:

(a) 3/340th of 1/8th of the whole of any oil, gas or other minerals, except sulphur, on and under and to be produced from said lands; delivery of said royalties to be made to the purchaser herein in the same manner as is provided for the delivery of royalties by any present or future mineral lease affecting said lands.

(b) Proportionate part of cents per long ton for all sulphur produced from said lands, payments therefor to be made monthly for sulphur marketed.

This sale and transfer is made and accepted subject to any oil, gas and mineral lease now affecting said lands, but the royalties hereinabove described shall be delivered and/or paid to the purchaser out of and deducted from the royalties reserved to the lessor in any such lease. This sale and transfer, however, is not limited to royalties accruing under any lease presently affecting said lands, but the rights herein granted are and shall remain a charge and burden on the land herein described and binding on any future owners or lessees of said lands and, in the event of the termination of any present lease, the said royalties shall be delivered and/or paid out of the whole of any oil, gas or other minerals produced from said lands by the owner, lessee or anyone else operating thereon.

The grantor herein reserves the right to grant future leases affecting said lands so long as there shall be included therein, for the benefit of the grantee herein, the royalty rights herein conveyed; and the grantor further reserves the right to collect and retain all bonuses and rentals paid for or in connection with any future lease or accruing under the lease now outstanding.

TO HAVE AND TO HOLD said royalty rights unto the said purchaser, for the term above stated, and the said grantor hereby agrees to warrant and forever defend said rights unto the said purchaser against any person whomsoever lawfully claiming or to claim the same.

WITNESS the signature of grantor, this the 25th day of February 1980

WITNESSES:

Billy Riley

JOINT OR SINGLE ACKNOWLEDGMENT
(MISSISSIPPI-ALABAMA-FLORIDA)

STATE OF Mississippi

COUNTY OF Forrest

I hereby certify, that on this day, before me, a NOTARY PUBLIC duly authorized in the state and county aforesaid to take acknowledgments, personally appeared WILEY FAIRCHILD to me known to be the person ___ described in and who executed the foregoing instrument and ___ he ___ acknowledged before me that, being informed of the contents of the same, ___ he ___ voluntarily signed and delivered the above and foregoing instrument on the day and year therein mentioned.

Given under my hand and official seal, this 25th day of February A.D. 19 80

(Affix Seal)

Lynnette L Smith
Notary Public
(Title of Official)

My commission expires 12-27-82 In and for Forrest County, Miss.

WITNESS ACKNOWLEDGMENT
(MISSISSIPPI-ALABAMA-FLORIDA)

STATE OF ___

COUNTY OF ___

I, a ___ in and for the aforesaid jurisdiction, hereby certify that ___ a subscribing witness to the foregoing instrument, known to me, appeared before me on this day, and being sworn, stated that ___ the grantor(s), having been informed of the contents thereof, voluntarily executed and delivered the same in his presence, and in the presence of the other subscribing witness, on the day the same bears date; that he attested the same in the presence of the grantor(s), and of the other witness, and that such other witness subscribed his name as a witness in his presence.

___
(Subscribing Witness)

Given under my hand and official seal, this ___ day of ___ 19___

(Affix Seal)

___
(Title of Official)

My commission expires ___ In and for ___ County, ___

ROYALTY DEED

FROM

TO

2159

Dated ___ 19___

County of Marion

State of Miss

This instrument was filed for record on the 6 day of April 19 81 at 11:30 o'clock AM and duly recorded in Book 836 Page 258 of the MD records of this office.

Cody M. Buckley Chancery Clerk

By Barbara B[illegible] Deputy

When recorded return to

" J "

EXHIBIT NO. G-13 EVID
CAUSE NO. H85-00012(L)
WITNESS Walter L. Jarvis, Jr.
PAGES 2

JAN 29 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Diane Scott REPORTER

JOINT OR SINGLE ACKNOWLEDGMENT
(MISSISSIPPI-ALABAMA-FLORIDA)

STATE OF Mississippi
COUNTY OF Forrest

I hereby certify, that on this day, before me, a NOTARY PUBLIC duly authorized in the state and county aforesaid to take acknowledgments, personally appeared WILEY FAIRCHILD to me known to be the person ______ described in and who executed the foregoing instrument and ______ to be ______ who, having been informed of the contents of the same, ______ to ______ voluntarily signed and delivered the above and foregoing instrument on the day and year therein mentioned.

Given under my hand and official seal, this 25th day of February A.D., 19 80

(Affix Seal)

Lynnette F. Smith
Notary Public
(Title of Official)

My commission expires 12-27-82 In and for Forrest County, Miss.

WITNESS ACKNOWLEDGMENT
(MISSISSIPPI-ALABAMA-FLORIDA)

STATE OF ______
COUNTY OF ______

I, a ______ in and for the aforesaid jurisdiction, hereby certify that ______ a subscribing witness to the foregoing instrument, known to me, appeared before me on this day, and being sworn, stated that ______ the grantor(s), having been informed of the contents thereof, voluntarily executed and delivered the same in his presence, and in the presence of the other subscribing witness, on the day the same bears date; that he attested the same in the presence of the grantor(s), and of the other witness, and that such other witness subscribed his name as a witness in his presence.

______
(Subscribing Witness)

Given under my hand and official seal, this ______ day of ______ 19__

(Affix Seal)

______
(Title of Official)

My commission expires ______ In and for ______ County, ______

ROYALTY DEED

FROM

TO

2134

Dated ______ 19__
County of Marion
State of Miss
This instrument was filed for record on the 6 day of April 19 81 at 11:30 o'clock A.M. and duly recorded in Book 836 Page 258 of the M D records
Cody Wm. Buckley Clerk
By Barbara Bass D.C.
When recorded return to

GOVERNMENT EXHIBIT 14

GOVERNMENT
EXHIBIT
14

BOOK 125
566

Form M-18T Rev. 11/74
Mississippi-Alabama-Florida

PRINTED AND FOR SALE BY
HEDERMAN BROS., JACKSON, MISS.

OVERRIDING ROYALTY DEED

(Term)

Know All Men By These Presents:

That FAIRCHILD-WINDHAM EXPLORATION COMPANY for and in consideration of the price and sum of ----- TEN ----- ($10.00) Dollars and other valuable considerations, cash in hand paid by WALTER L. NIXON, JR.,

hereinafter referred to as grantee, has granted, bargained, sold and conveyed, and does by these presents grant, bargain, sell and convey, unto the said grantee the mineral royalty interest hereinafter set out affecting and relating to the following described lands in the County of Covington, State of Mississippi, to-wit:

TOWNSHIP 7 NORTH, RANGE 17 WEST

Section 2: N 1/2 of NE 1/4 and SE 1/4 of NE 1/4; and
N 1/2 of NE 1/4 of SE 1/4

IT IS THE INTENT OF THE GRANTOR TO CONVEY AN INTEREST TO A DEPTH OF 100 FEET BELOW THE DEPTH OF ANY WELL NOW BEING DRILLED OR CURRENTLY IN PRODUCTION ON SAID ACREAGE.

IT IS THE INTENT OF THE GRANTOR TO CONVEY FIVE (5) FULL OVERRIDING ROYALTY ACRES.

THIS CONVEYANCE IS TO BE EFFECTIVE FROM THE FIRST DAY OF PRODUCTION.

This conveyance shall be for a period of TWO years from date hereof, and as long thereafter as oil, gas or other minerals are produced from said lands, or from lands with which said lands are pooled or unitized, and also as long thereafter as drilling or reworking operations are being conducted on said lands, or on lands pooled or unitized therewith, without more than 90 days cessation of operations, in an effort to produce oil, gas or other minerals, and if said operations result in the production of said minerals, then for as long thereafter as oil, gas or other minerals are produced from said lands, or from lands pooled or unitized therewith. A shut-in gas well shall be considered as a producing well and shall perpetuate the term of this conveyance.

The royalty interests and rights herein sold, transferred and conveyed are:

(a) 5/140th of 1/8th of the whole of any oil, gas or other minerals, except sulphur, on and under and to be produced from said lands; delivery of said royalties to be made to the purchaser herein in the same manner as is provided for the delivery of royalties by any present or future mineral lease affecting said lands.

(b) Proportionate part of cents per long ton for all sulphur produced from said lands, payments therefor to be made monthly for sulphur marketed.

This sale and transfer is made and accepted subject to any oil, gas and mineral lease now affecting said lands, but the royalties hereinabove described shall be delivered and/or paid to the purchaser out of and deducted from the royalties reserved to the lessor in any such lease. This sale and transfer, however, is not limited to royalties accruing under any lease presently affecting said lands, but the rights herein granted are and shall remain a charge and burden on the land herein described and binding on any future owners or lessees of said lands and, in the event of the termination of any present lease, the said royalties shall be delivered and/or paid out of the whole of any oil, gas or other minerals produced from said lands by the owner, lessee or anyone else operating thereon.

The grantor herein reserves the right to grant future leases affecting said lands so long as there shall be included therein, for the benefit of the grantee herein, the royalty rights herein conveyed; and the grantor further reserves the right to collect and retain all bonuses and rentals paid for or in connection with any future lease or accruing under the lease now outstanding.

TO HAVE AND TO HOLD said royalty rights unto the said purchaser, for the term above stated, and the said grantor hereby agrees to warrant and forever defend said rights unto the said purchaser against any person whomsoever lawfully claiming or to claim the same.

WITNESS the signature of grantor, this the 25th day of February 1980.

WITNESSES:
Billy Riley

Book 125

567

JOINT OR SINGLE ACKNOWLEDGMENT
(MISSISSIPPI-ALABAMA-FLORIDA)

STATE OF Mississippi
COUNTY OF Forrest

I hereby certify, that on this day, before me, a NOTARY PUBLIC

duly authorized in the state and county aforesaid to take acknowledgments, personally appeared WILEY FAIRCHILD

[illegible]

Given under my hand and official seal, this 25th day of February A.D. 19 80

Lynnette J. Smith
Notary Public

My commission expires 12-27-82 In and for Forrest Co., Miss.

WITNESS ACKNOWLEDGMENT
(MISSISSIPPI-ALABAMA-FLORIDA)

STATE OF
COUNTY OF

I, a ______ in and for the aforesaid jurisdiction, hereby certify that ______

a subscribing witness to the foregoing instrument, known to me, appeared before me on this day, and being sworn, stated that ______

[illegible]

(Subscribing Witness)

Given under my hand and official seal, this ______ day of ______ 19__

(Affix Seal)

(Title of Official)

My commission expires ______ in and for ______ County, ______

ROYALTY DEED

FROM

TO

Dated April 6 19 81

County of Covington

State of Miss.

This instrument was filed for record on the 6th

day of April 19 81 at

11:30 o'clock AM and duly recorded in

Book 125 Page 566

of the O/R records of this office.

Lynn Mayfield County Clerk

By Susan Karaly Deputy

When recorded return to

CERTIFIED a true copy of original instrument now on record in my office. This the 3rd day of January 19 86.

Lynn Mayfield
CHANCERY CLERK
[illegible] County, Miss.

EXHIBIT NO. G-14 EVID
CAUSE NO. H85-00012(L)
WITNESS Walter L. Jarvis Jr.
PAGES 2

JAN 29 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Diane Scott REPORTER

Book 125

JOINT OR SINGLE ACKNOWLEDGMENT
(MISSISSIPPI-ALABAMA-FLORIDA)

STATE OF Mississippi

COUNTY OF Forrest

I hereby certify, that on this day, before me, a NOTARY PUBLIC duly authorized in the state and county aforesaid to take acknowledgments, personally appeared WILEY FAIRCHILD to me known to be the person ______ described in and who executed the foregoing instrument and ______ acknowledged before me that, being informed of the contents of the same, ______ he ______ voluntarily signed and delivered the above and foregoing instrument on the day and year therein mentioned.

Given under my hand and official seal, this 25th day of February A.D. 19 80

Lynnette F. Smith
Notary Public
(Title of Official)

My commission expires 12-27-82 In and for Forrest County, Miss.

WITNESS ACKNOWLEDGMENT
(MISSISSIPPI-ALABAMA-FLORIDA)

STATE OF ______

COUNTY OF ______

I, a ______ in and for the aforesaid jurisdiction, hereby certify that ______ a subscribing witness to the foregoing instrument, known to me, appeared before me on this day, and being sworn, stated that ______ the grantor(s), having been informed of the contents thereof, voluntarily executed and delivered the same in his presence, and in the presence of the other subscribing witness, on the day the same bears date; that he attested the same in the presence of the grantor(s), and of the other witness, and that such other witness subscribed his name as a witness in his presence.

______
(Subscribing Witness)

Given under my hand and official seal, this ______ day of ______ 19___

(Affix Seal)

______
(Title of Official)

My commission expires ______ In and for ______ County, ______

MINERAL DOCUMENTARY TAX CANCELLED 50 CENTS 50

MINERAL DOCUMENTARY TAX CANCELLED 50 CENTS 50

ROYALTY DEED

FROM

TO

Dated April 6 1981

County of Covington

State of Miss.

This instrument was filed for record on the 6th day of April 1981 at 11:30 o'clock AM and duly recorded in Book 125 Page 566 of the ORR records of this office.

Lynn Mayfield County Clerk

By Susan Karaly Deputy

When recorded return to

CERTIFIED a true copy of original instrument now on record in my office. This the 3rd day of January 1986.

Lynn Mayfield
CHANCERY CLERK
[redacted] County, Miss.

L. Susan Brinson DC

GOVERNMENT EXHIBIT 15

GOVERNMENT EXHIBIT 15

NEGOTIABLE PROMISSORY NOTE

STATE OF MISSISSIPPI
COUNTY OF

For value received, the undersigned, WALTER L. NIXON, JR., hereby unconditionally promises to pay to the order of W. R. FAIRCHILD CONSTRUCTION CO., LTD., Post Office Box 1857, Hattiesburg, Mississippi, 39401, in lawful money of the United States of America, the principal sum of Four Thousand Five Hundred and No/100 Dollars ($4,500.00), together with simple interest on the unpaid balance thereof at the rate of ten percent (10%) per annum from and after date hereof, due and payable three (3) years from the date hereof, which due date shall be February 25, 1983.

The undersigned maker hereby agrees that upon the nonpayment at any maturity of any of the obligations or liabilities hereof, or upon the suspension, failure or insolvency, or upon any application for the adjudication of bankruptcy of any party hereto, or upon the application by or against any party hereto for a respite, assignment or receivership, then and in any such case this note and all the obligations and liabilities hereof shall forthwith mature and become immediately due and payable, without demand or notice, anything to the contrary herein notwithstanding.

The undersigned maker hereby further agrees to pay the fees of an attorney at law who, owing to default in the payment of any sum due hereunder or in the performance of any other terms or conditions hereof, may be employed to recover the amount hereof, or any part thereof, in principal or interest, or to protect the interest of the holders hereof, or to compromise, or to take other action in regard hereto, which fees shall in no event be less than fifteen percent (15%) of the amount then owing and sought to be collected, protected or preserved.

All parties hereto severally waive presentment for payment, demand, notice of nonpayment, protest, and notice of protest, and agree that the payment hereof may be extended from time to time, one or more times, without notice and without prejudice to the rights of the holders hereunder.

All parties hereto recognize that time is of the essence of this obligation and the undersigned maker hereby agrees that any sum delinquent hereunder or under any security instrument securing this obligation shall bear interest at the highest lawful rate permitted by the laws of the State of Mississippi.

PAID

The undersigned maker hereby reserves the right to prepay at any time, without penalty, all or any part of the indebtedness hereby evidenced. Any such prepayment shall not affect the principal amount then due.

This instrument is to be governed by and construed under the laws of the State of Mississippi.

Witness execution hereof on this, the 25th day of February, 1980.

Walter L. Nixon Jr.
WALTER L. NIXON, JR.

Paid in full
3/7/83
WR Fairchild Construction Co.
by RL Jarvis Jr

3/2

GOVERNMENT EXHIBIT 16

GOVERNMENT
EXHIBIT
16

NEGOTIABLE PROMISSORY NOTE

[illegible]

NEGOTIABLE PROMISSORY NOTE

STATE OF MISSISSIPPI
COUNTY OF

For value received, the undersigned, WALTER L. NIXON, JR., hereby unconditionally promises to pay to the order of W. R. FAIRCHILD CONSTRUCTION CO., LTD., Post Office Box 1857, Hattiesburg, Mississippi, 39401, in lawful money of the United States of America, the principal sum of Three Thousand Dollars ($3,000. together with simple interest on the unpaid balance thereof at the rate of ten percent (10%) per annum from and after date hereof, due and payable three (3) years from the date hereof, which due date shall be February 25, 1983.

The undersigned maker hereby agrees that upon the nonpaymen at any maturity of any of the obligations or liabilities hereof, or upon the suspension, failure or insolvency, or upon any application for the adjudication of bankruptcy of any party hereto, or upon the application by or against any party hereto for a respite, assignment, or receivership, then and in any such case, this note and all the obligations and liabilities hereof shall forthwith mature and become immediately due and payable, without demand or notice, anything to the contrary notwithstandi

The undersigned maker hereby further agrees to pay the fee of an attorney at law who, owing to default in the payment of any sum due hereunder or in the performance of any other terms or conditions hereof, may be employed to recover the amount here or any part thereof, in principal or interest, or to protect the interest of the holders hereof, or to compromise, or to take oth action in regard hereto, which fees shall in no event be less th fifteen percent (15%) of the amount then owing and sought to be collected, protected or preserved.

All parties hereto severally waive presentment for payment, demand, notice of nonpayment, protest, and notice of protest, an agree that the payment hereof may be extended from time to time, one or more times, without notice and without prejudice to the rights of the holders hereunder.

All parties hereto recognize that time is of the essence of this obligation and the undersigned maker hereby agrees that any sum delinquent hereunder or under any security instrument securing this obligation shall bear interest at the highest lawful rate permitted by the laws of the State of Mississippi.

The undersigned maker hereby reserves the right to prepay at any time, without penalty, all or any part of the indebtedne hereby evidenced. Any such prepayment shall not affect the principal amount then due.

This instrument is to be governed by and construed under the laws of the State of Mississippi.

Witness execution hereof on this, the 25th day of February 1980.

Walter L. Nixon, Jr.
WALTER L. NIXON, JR.

Paid in full
3/7/83
W. R. Fairchild Construction Co. Ltd
by RL Jarvis, J

EXHIBIT NO. G-16 EVID
CAUSE NO. H85-0012(L)
WITNESS Walter L. Jassie Jr.
PAGES 1

JAN 29 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Alan Scott REPORTER

GOVERNMENT EXHIBIT 17

NEGOTIABLE PROMISSORY NOTE

[redacted]

[redacted]

Dollars ($2,000,000), together with simple interest on the unpaid balance thereof at the rate of ten percent [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

NEGOTIABLE PROMISSORY NOTE

STATE OF MISSISSIPPI
COUNTY OF

For value received, the undersigned, WALTER L. NIXON, JR., hereby unconditionally promises to pay to the order of W. R. FAIRCHILD CONSTRUCTION CO., LTD., Post Office Box 1857, Hattiesburg, Mississippi, 39401, in lawful money of the United States of America, the principal sum of Two Thousand Dollars ($2,000.00), together with simple interest on the unpaid balance thereof at the rate of ten percent (10%) per annum from and after date hereof, due and payable three (3) years from the date hereof, which due date shall be February 25, 1983.

The undersigned maker hereby agrees that upon the nonpayment at any maturity of any of the obligations or liabilities hereof, or upon the suspension, failure or insolvency, or upon any application for the adjudication of bankruptcy of any party hereto, or upon the application by or against any party hereto for a respite, assignment, or receivership, then and in any such case, this note and all the obligations and liabilities hereof shall forthwith mature and become immediately due and payable, without demand or notice, anything to the contrary notwithstanding.

The undersigned maker hereby further agrees to pay the fees of an attorney at law who, owing to default in the payment of any sum due hereunder or in the performance of any other terms or conditions hereof, may be employed to recover the amount hereof, or any part thereof, in principal or interest, or to protect the interest of the holders hereof, or to compromise, or to take other action in regard hereto, which fees shall in no event be less than fifteen percent (15%) of the amount then owing and sought to be collected, protected or preserved.

PAID

All parties hereto severally waive presentment for payment, demand, notice of nonpayment, protest, and notice of protest, and agree that the payment hereof may be extended from time to time, one or more times, without notice and without prejudice to the rights of the holders hereunder.

All parties hereto recognize that time is of the essence of this obligation and the undersigned maker hereby agrees that any sum delinquent hereunder or under any security instrument securing this obligation shall bear interest at the highest lawful rate permitted by the laws of the State of Mississippi.

The undersigned maker hereby reserves the right to prepay at any time, without penalty, all or any part of the indebtedness hereby evidenced. Any such prepayment shall not affect the principal amount then due.

This instrument is to be governed by and construed under the laws of the State of Mississippi.

Witness execution hereof on this, the 25th day of February, 1980.

Walter L. Nixon Jr.
WALTER L. NIXON, JR.

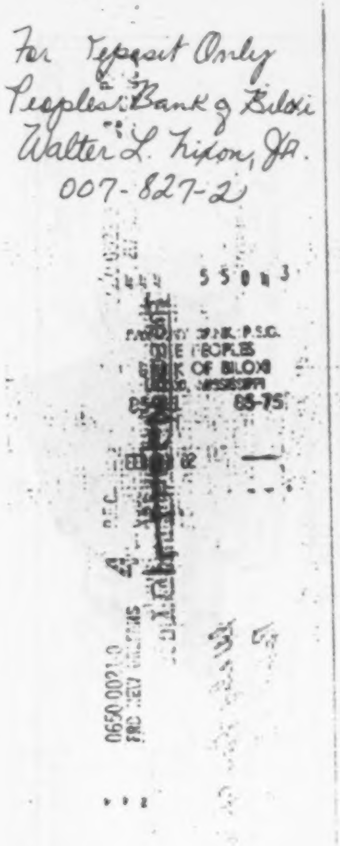
Paid in full
9/16/82
W.R. Fairchild Construction Co
by RLJarvis Jr

EXHIBIT NO. G-17 EVID
CAUSE NO. H85-0001(S)
WITNESS Walter L. Jo
PAGES 1

JAN 29 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Elaine Scott REPORTER

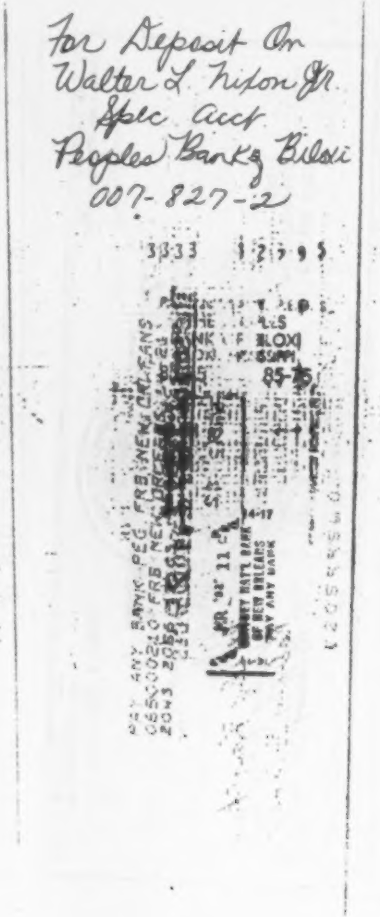
GOVERNMENT EXHIBIT 18



For Deposit Only
Peoples Bank of Biloxi
Walter L. Nixon, Jr.
007-827-2

PAY ANY BANK P.S.G.
THE PEOPLES
BANK OF BILOXI
BILOXI, MISSISSIPPI
85-75

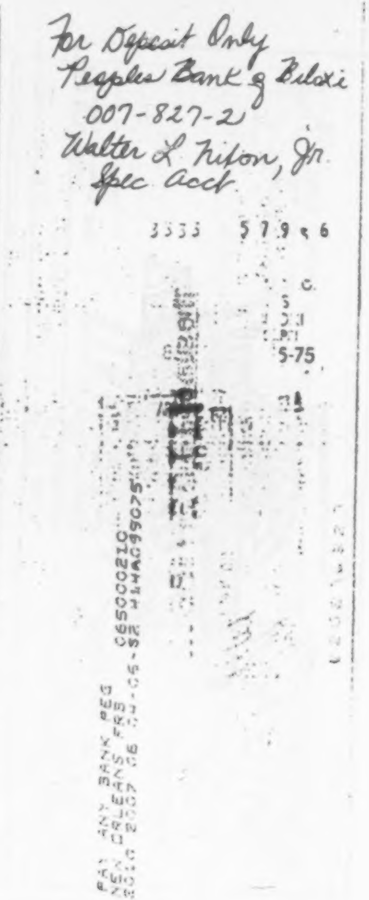
0650 0021 0
FRB NEW ORLEANS



For Deposit On
Walter L. Nixon Jr.
Spec Acct
Peoples Bank of Biloxi
007-827-2

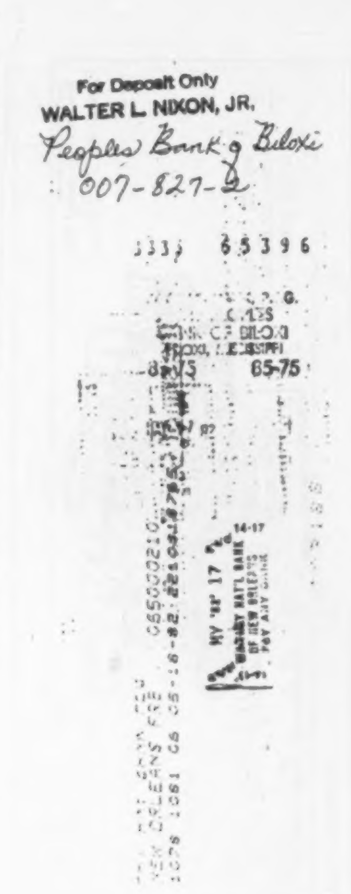
PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS

APR '82 11
WHITNEY NAT'L BANK
OF NEW ORLEANS
PAY ANY BANK
14-17



For Deposit Only
Peoples Bank of Biloxi
007-827-2
Walter L. Nixon, Jr.
Spec Acct

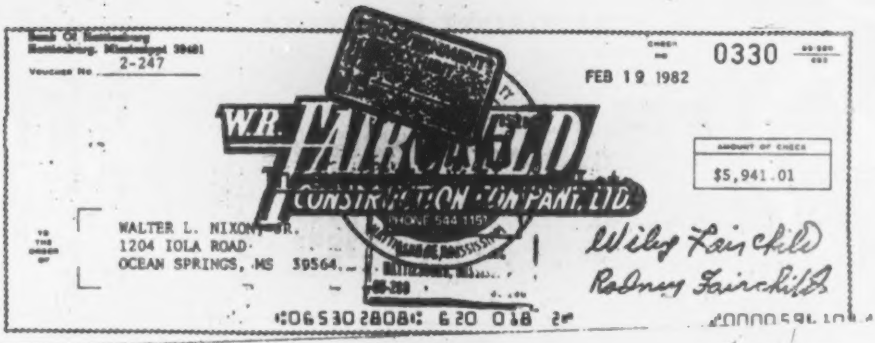
PAY ANY BANK PEG
NEW ORLEANS FRB 065000210
2010 2007 06 04-05-82 H14AC99075



For Deposit Only
WALTER L. NIXON, JR.
Peoples Bank of Biloxi
007-827-2

NEW ORLEANS FRB 065000210
1078 1061 06 05-16-82

MY '82 17
WHITNEY NAT'L BANK
OF NEW ORLEANS
PAY ANY BANK
14-17



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 2-247

Check No 0330

FEB 19 1982

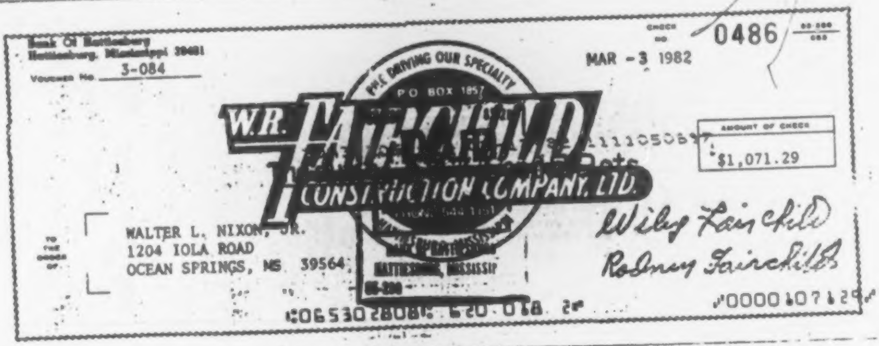
Amount of Check
$5,941.01

To the order of
WALTER L. NIXON, JR.
1204 IOLA ROAD
OCEAN SPRINGS, MS 39564

Wiley Fairchild
Rodney Fairchild

06530 2808: 620 018 2 /000059410

W.R. FAIRCHILD
CONSTRUCTION COMPANY, LTD.
PHONE 544 1151



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 3-084

Check No 0486

MAR -3 1982

111105089

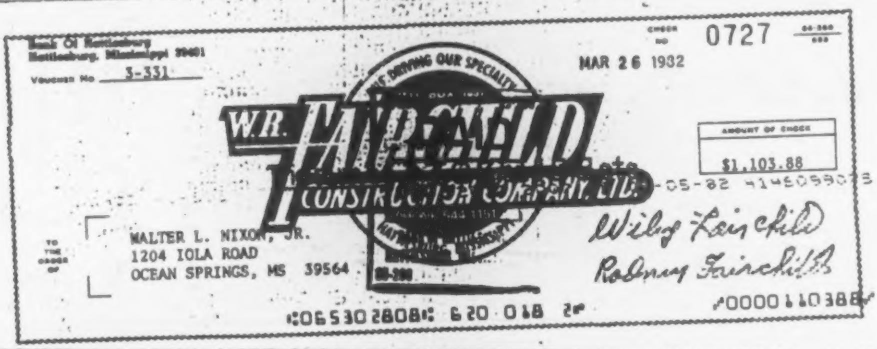
Amount of Check
$1,071.29

To the order of
WALTER L. NIXON, JR.
1204 IOLA ROAD
OCEAN SPRINGS, MS 39564

Wiley Fairchild
Rodney Fairchild

06530 2808: 620 018 2 /0000107129/

PILE DRIVING OUR SPECIALTY
P.O. BOX 1857
W.R. FAIRCHILD
CONSTRUCTION COMPANY, LTD.
PHONE 544 1151
HATTIESBURG, MISSISSIPPI



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 3-331

Check No 0727

MAR 26 1982

Amount of Check
$1,103.88

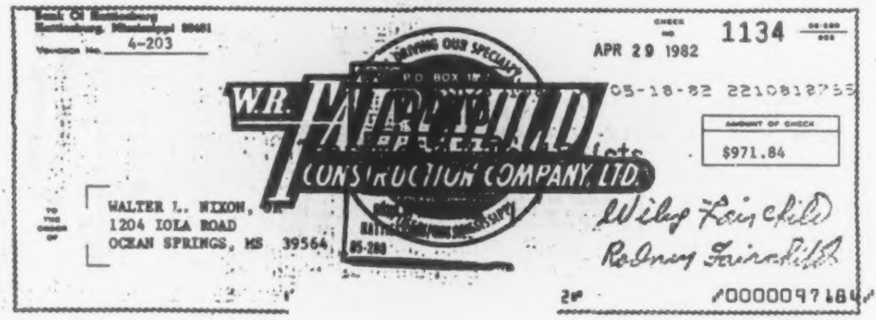
-05-82 4146059073

To the order of
WALTER L. NIXON, JR.
1204 IOLA ROAD
OCEAN SPRINGS, MS 39564

Wiley Fairchild
Rodney Fairchild

06530 2808: 620 018 2 /0000110388/

PILE DRIVING OUR SPECIALTY
W.R. FAIRCHILD
CONSTRUCTION COMPANY, LTD.
PHONE 544 1151
HATTIESBURG, MISSISSIPPI



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 4-203

Check No 1134

APR 29 1982

05-18-82 2210812755

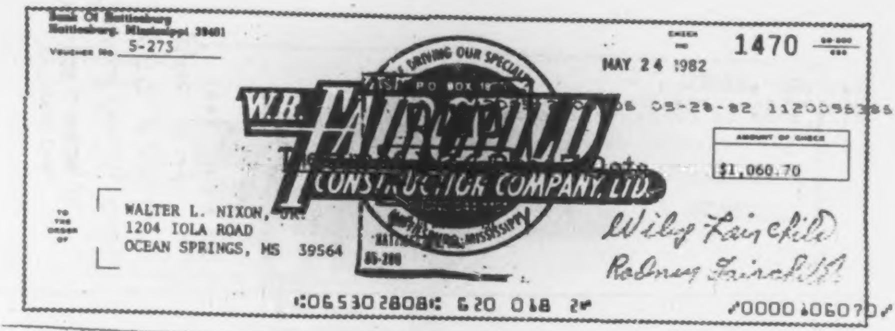
Amount of Check
$971.84

To the order of
WALTER L. NIXON, JR.
1204 IOLA ROAD
OCEAN SPRINGS, MS 39564

Wiley Fairchild
Rodney Fairchild

2 /0000097184/

PILE DRIVING OUR SPECIALTY
P.O. BOX 1857
W.R. FAIRCHILD
CONSTRUCTION COMPANY, LTD.
HATTIESBURG, MISSISSIPPI



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 5-273

CHECK NO. 1470

MAY 24 1982

W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.

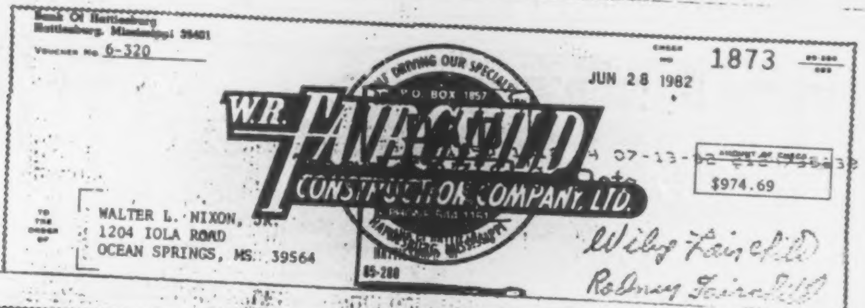
05-28-82 1120095385

AMOUNT OF CHECK
$1,060.70

TO THE ORDER OF
WALTER L. NIXON, JR.
1204 IOLA ROAD
OCEAN SPRINGS, MS 39564

Wiley Fairchild
Rodney Fairchild

⑆0653028O8⑆ 620 018 2⑈ ⑈0000106070⑈



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 6-320

CHECK NO. 1873

JUN 28 1982

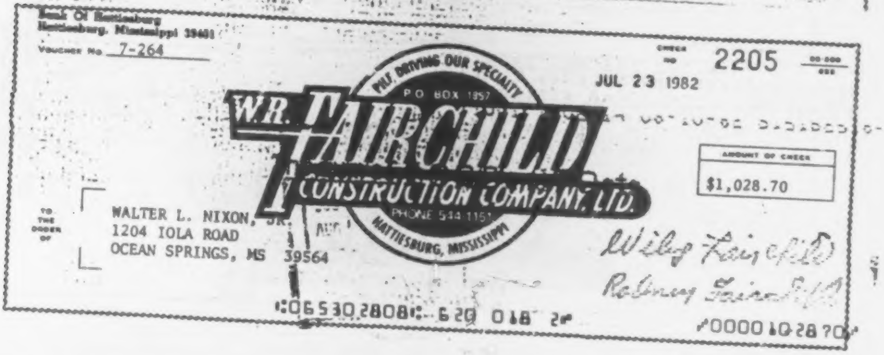
W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
P.O. BOX 1857

07-13-82

AMOUNT OF CHECK
$974.69

TO THE ORDER OF
WALTER L. NIXON, JR.
1204 IOLA ROAD
OCEAN SPRINGS, MS 39564

Wiley Fairchild
Rodney Fairchild



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 7-264

CHECK NO. 2205

JUL 23 1982

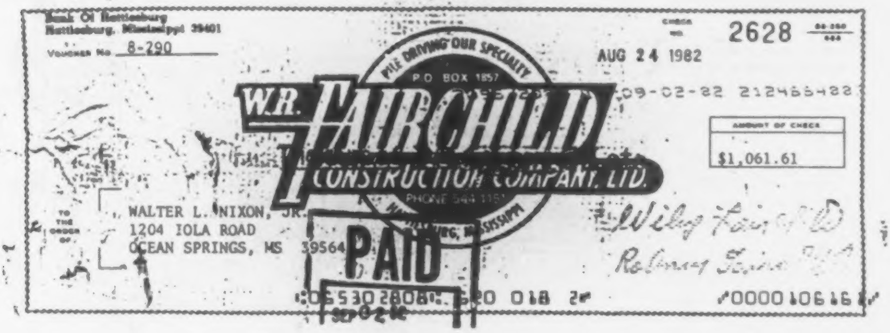
PILE DRIVING OUR SPECIALTY
P.O. BOX 1857
W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PHONE 544-1151
HATTIESBURG, MISSISSIPPI

AMOUNT OF CHECK
$1,028.70

TO THE ORDER OF
WALTER L. NIXON, JR.
1204 IOLA ROAD
OCEAN SPRINGS, MS 39564

Wiley Fairchild
Rodney Fairchild

⑆0653028O8⑆ 620 018 2⑈ ⑈0000102870⑈



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 8-290

CHECK NO. 2628

AUG 24 1982

PILE DRIVING OUR SPECIALTY
P.O. BOX 1857
W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PHONE 544-1151
HATTIESBURG, MISSISSIPPI

09-02-82 212465482

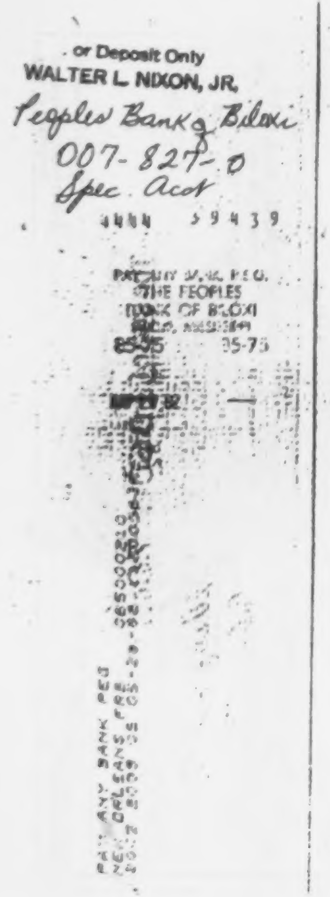
AMOUNT OF CHECK
$1,061.61

TO THE ORDER OF
WALTER L. NIXON, JR.
1204 IOLA ROAD
OCEAN SPRINGS, MS 39564

PAID
SEP 02 82

Wiley Fairchild
Rodney Fairchild

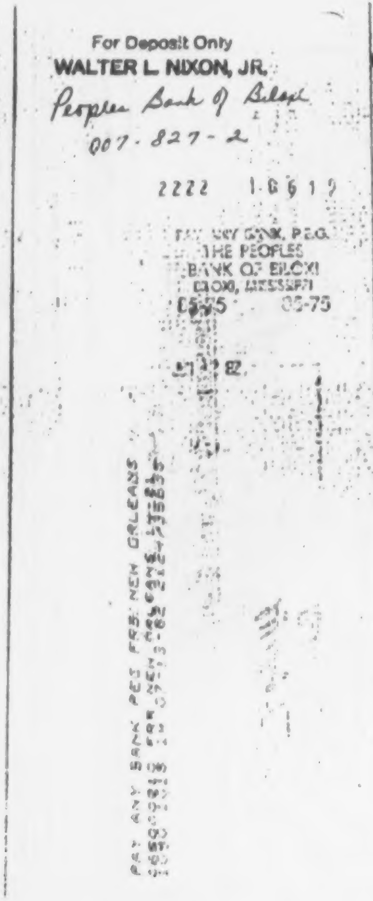
⑆0653028O8⑆ 620 018 2⑈ ⑈0000106161⑈



or Deposit Only
WALTER L. NIXON, JR.
Peoples Bank of Biloxi
007-827-0
Spec. Acct
4444 59439

PAY ANY BANK, P.E.G.
THE PEOPLES
BANK OF BILOXI
BILOXI, MISSISSIPPI
85-75 85-75

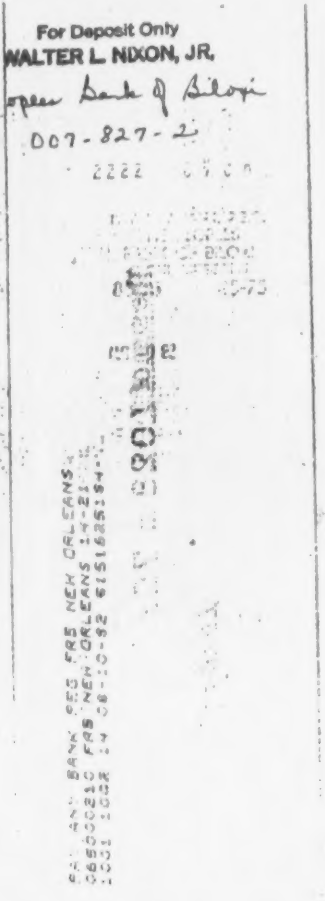
PAY ANY BANK PEG
NEW ORLEANS FRB 065000210
2002 2009 05 05-29-82



For Deposit Only
WALTER L. NIXON, JR.
Peoples Bank of Biloxi
007-827-2
2222 16619

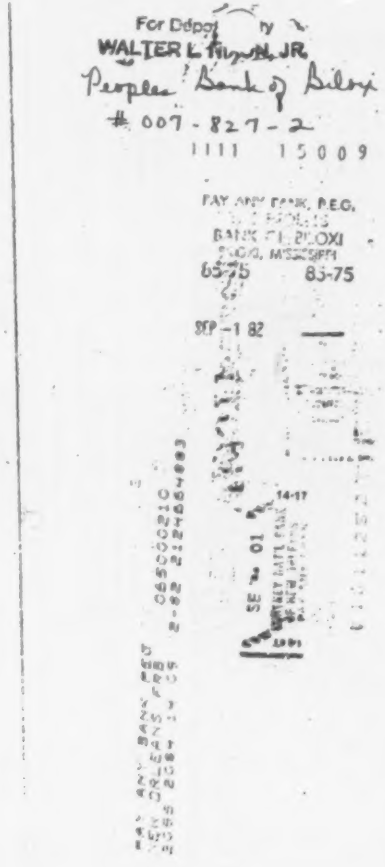
PAY ANY BANK, P.E.G.
THE PEOPLES
BANK OF BILOXI
BILOXI, MISSISSIPPI
85-75 85-75

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
1030 1018 14 07-13-82 2124735835



For Deposit Only
WALTER L. NIXON, JR.
Peoples Bank of Biloxi
007-827-2
2222

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
1001 1002 14 08-10-82 6151625154

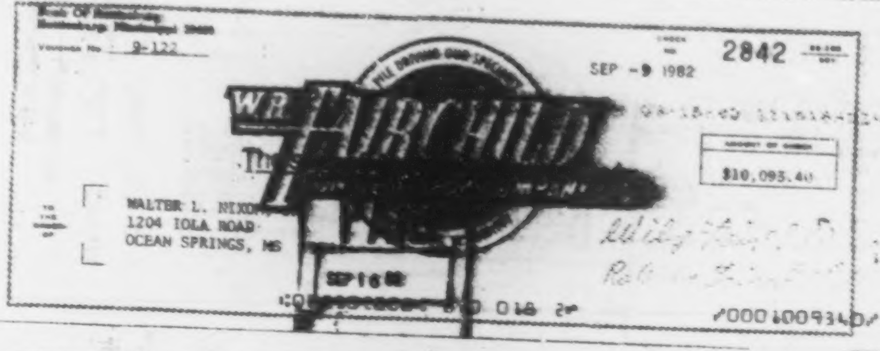


For Deposit Only
WALTER L. NIXON, JR.
Peoples Bank of Biloxi
007-827-2
1111 15009

PAY ANY BANK, P.E.G.
THE PEOPLES
BANK OF BILOXI
BILOXI, MISSISSIPPI
85-75 85-75
SEP -1 82

PAY ANY BANK PEG
NEW ORLEANS FRB 065000210
2085 2084 14 09 2-82 2124664883

SE 01
WHITNEY NATL BANK
OF NEW ORLEANS
14-17



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401

Voucher No. 9-122

Check No. 2842

SEP -9 1982

W.R. FAIRCHILD

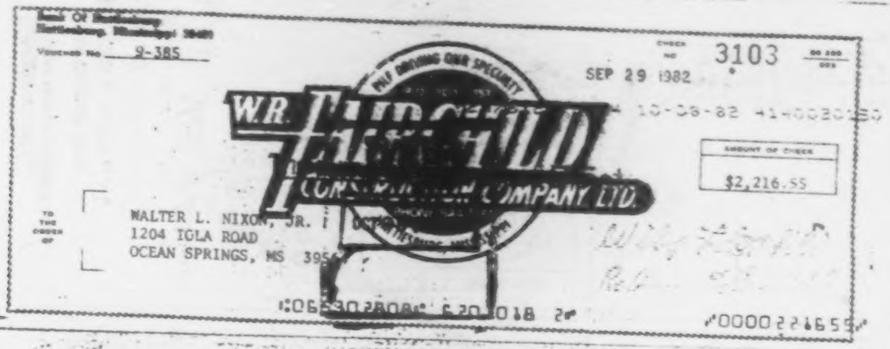
Amount of Check
$10,093.40

To the order of
WALTER L. NIXON
1204 IOLA ROAD
OCEAN SPRINGS, MS

SEP 16 82

Wiley Fairchild
Rodney Fairchild

⑆06 [illegible] 620 018 2⑈ ⑈0001009340⑈



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401

Voucher No. 9-385

Check No. 3103

SEP 29 1982

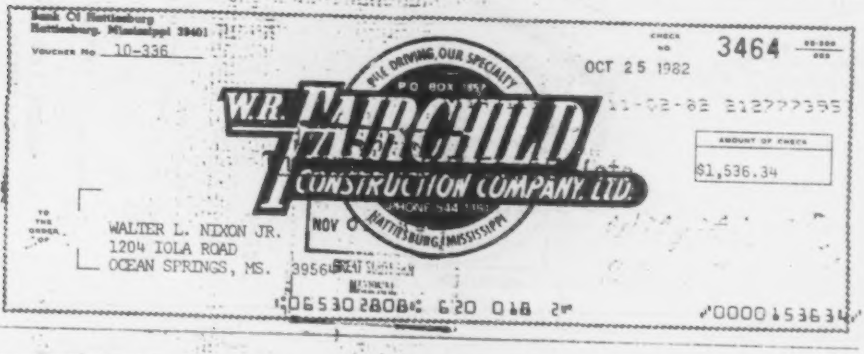
10-08-82 4140020150

W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PILE DRIVING OUR SPECIALTY

Amount of Check
$2,216.55

To the order of
WALTER L. NIXON, JR.
1204 IOLA ROAD
OCEAN SPRINGS, MS 39564

⑆065302808⑆ 620 018 2⑈ ⑈0000221655⑈



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401

Voucher No. 10-336

Check No. 3464

OCT 25 1982

11-02-82 212777395

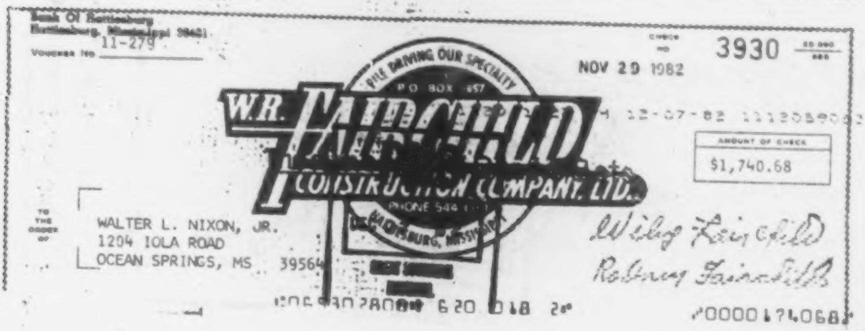
W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PILE DRIVING OUR SPECIALTY
P.O. BOX 1857
PHONE 544 1161
HATTIESBURG, MISSISSIPPI

Amount of Check
$1,536.34

To the order of
WALTER L. NIXON JR.
1204 IOLA ROAD
OCEAN SPRINGS, MS. 39564

NOV 0

⑆065302808⑆ 620 018 2⑈ ⑈0000153634⑈



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401

Voucher No. 11-279

Check No. 3930

NOV 29 1982

12-07-82 1112089002

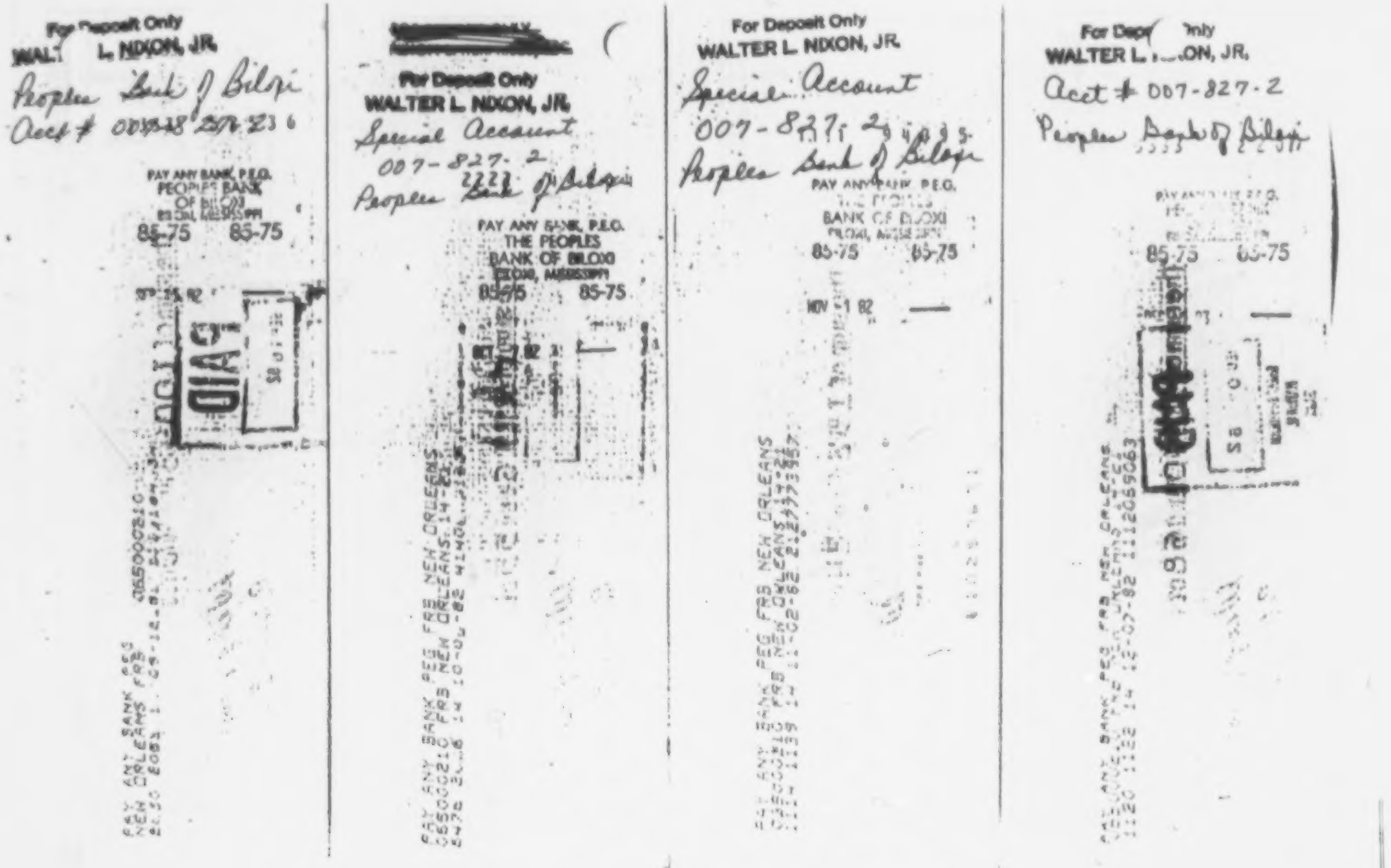
W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PILE DRIVING OUR SPECIALTY
P.O. BOX 1857
PHONE 544
HATTIESBURG, MISSISSIPPI

Amount of Check
$1,740.68

To the order of
WALTER L. NIXON, JR.
1204 IOLA ROAD
OCEAN SPRINGS, MS 39564

Wiley Fairchild
Rodney Fairchild

⑆065302808⑆ 620 018 2⑈ ⑈0000174068⑈



For Deposit Only
WALT[illegible] L. NIXON, JR.
Peoples Bank of Biloxi
Acct # 00[illegible] 827 23 6

PAY ANY BANK, P.E.G.
PEOPLES BANK
OF BILOXI
BILOXI, MISSISSIPPI
85-75 85-75
SEP 15 82
PAID

PAY ANY BANK PEG
NEW ORLEANS FRB 065000210
2650 8082 1 09-12-82 [illegible]

[redacted]

For Deposit Only
WALTER L. NIXON, JR.
Special Account
007-827-2
2222
Peoples Bank of Biloxi

PAY ANY BANK, P.E.G.
THE PEOPLES
BANK OF BILOXI
BILOXI, MISSISSIPPI
85-75 85-75
OCT 7 82

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
5478 3006 14 10-06-82 41406[illegible]

For Deposit Only
WALTER L. NIXON, JR.
Special Account
007-827-2
Peoples Bank of Biloxi

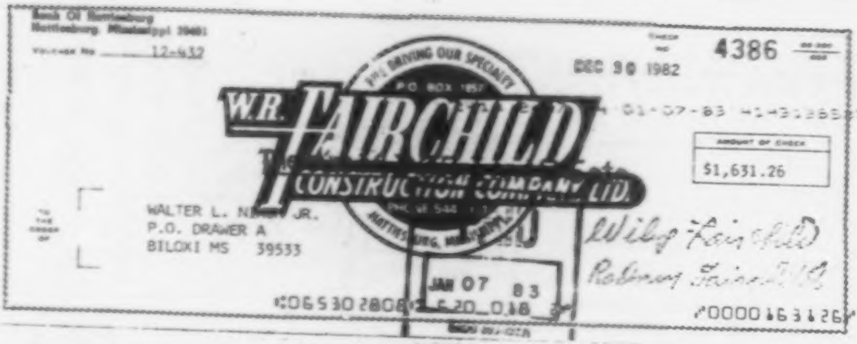
PAY ANY BANK P.E.G.
THE PEOPLES
BANK OF BILOXI
BILOXI, MISSISSIPPI
85-75 85-75
NOV 1 82

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
1114 1139 14 11-02-82 2127773957

For Dep[illegible] Only
WALTER L. [illegible]ON, JR.
Acct # 007-827-2
Peoples Bank of Biloxi

PAY ANY BANK P.E.G.
85-75 85-75
PAID

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
1120 1122 14 12-07-82 1112069063



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 12-432

CHECK NO. 4386

DEC 30 1982

01-07-83

AMOUNT OF CHECK
$1,631.26

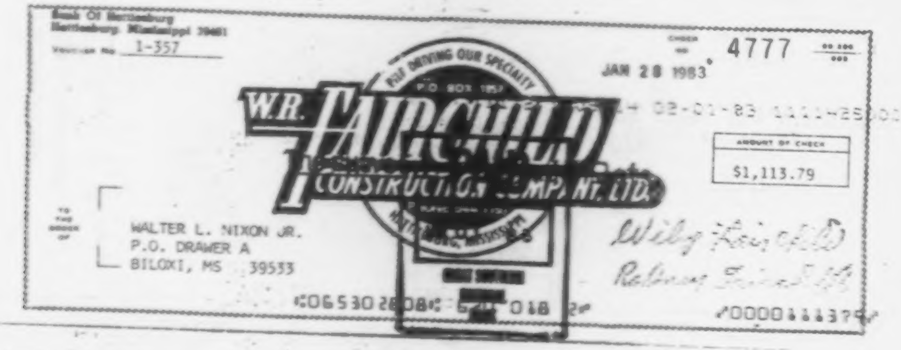
TO THE ORDER OF
WALTER L. NIXON JR.
P.O. DRAWER A
BILOXI MS 39533

JAN 07 83

Wiley Fairchild
Rodney Fairchild

⑆065302808⑆ 620 018 2⑈ ⑈0000163126⑈

PILE DRIVING OUR SPECIALITY
P.O. BOX 1857
W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
HATTIESBURG, MISSISSIPPI



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 1-357

CHECK NO. 4777

JAN 28 1983

02-01-83

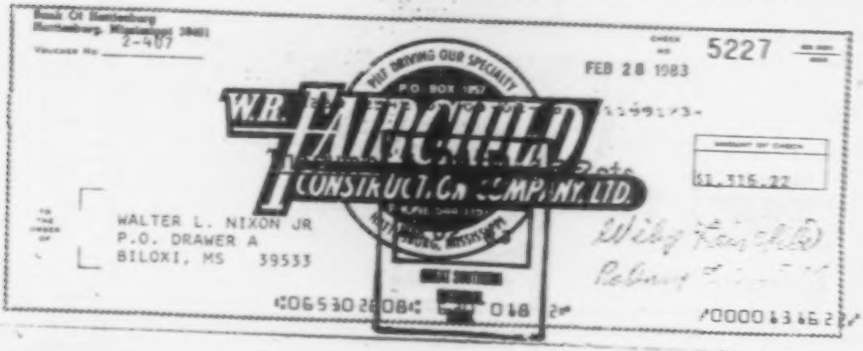
AMOUNT OF CHECK
$1,113.79

TO THE ORDER OF
WALTER L. NIXON JR.
P.O. DRAWER A
BILOXI, MS 39533

Wiley Fairchild
Rodney Fairchild

⑆065302808⑆ 620 018 2⑈ ⑈0000111379⑈

PILE DRIVING OUR SPECIALITY
P.O. BOX 1857
W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
HATTIESBURG, MISSISSIPPI



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 2-407

CHECK NO. 5227

FEB 28 1983

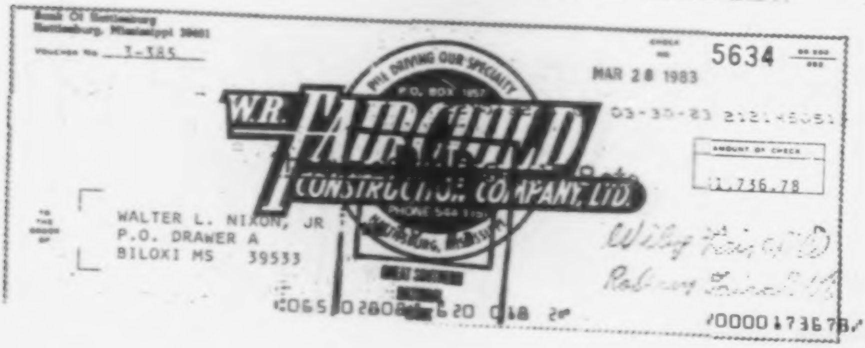
AMOUNT OF CHECK
$1,316.22

TO THE ORDER OF
WALTER L. NIXON JR
P.O. DRAWER A
BILOXI, MS 39533

Wiley Fairchild
Rodney Fairchild

⑆065302808⑆ 620 018 2⑈ ⑈0000131622⑈

PILE DRIVING OUR SPECIALITY
P.O. BOX 1857
W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
HATTIESBURG, MISSISSIPPI



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 3-385

CHECK NO. 5634

MAR 28 1983

03-30-83

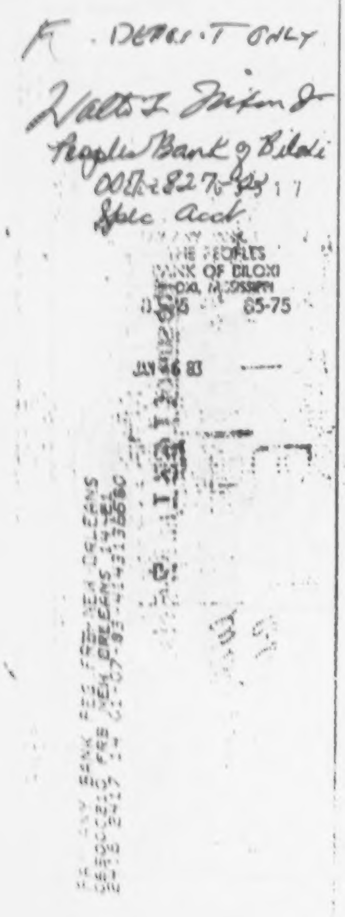
AMOUNT OF CHECK
$1,736.78

TO THE ORDER OF
WALTER L. NIXON, JR
P.O. DRAWER A
BILOXI MS 39533

Wiley Fairchild
Rodney Fairchild

⑆065302808⑆ 620 018 2⑈ ⑈0000173678⑈

PILE DRIVING OUR SPECIALITY
P.O. BOX 1857
W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PHONE 544
HATTIESBURG, MISSISSIPPI

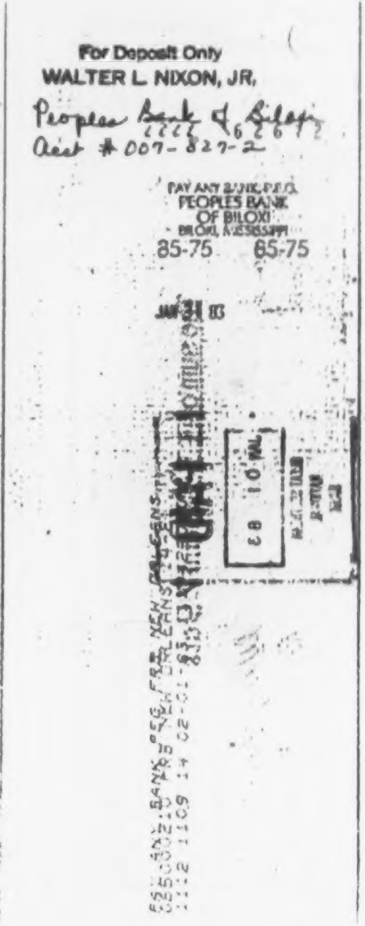


F. DEPOSIT ONLY
Walter L Nixon Jr
Peoples Bank of Biloxi
007-827-2
Spec acct

THE PEOPLES
BANK OF BILOXI
BILOXI, MISSISSIPPI
85-75 65-75

JAN 6 83

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
2416 2417 14 01-07-83 4143136680

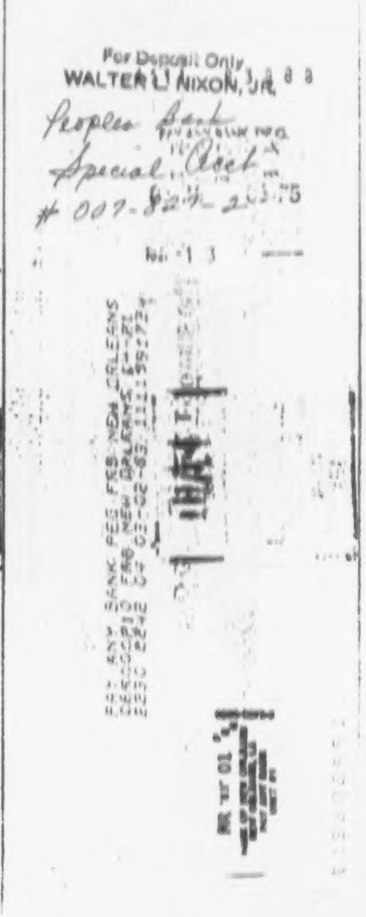


For Deposit Only
WALTER L. NIXON, JR.
Peoples Bank of Biloxi
Acct # 007-827-2

PAY ANY BANK P.E.G.
PEOPLES BANK
OF BILOXI
BILOXI, MISSISSIPPI
85-75 65-75

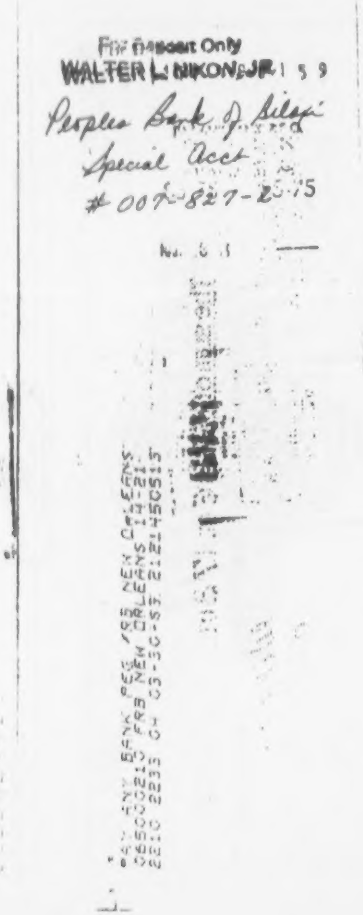
JAN 31 83

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
1112 1109 14 02-01-83



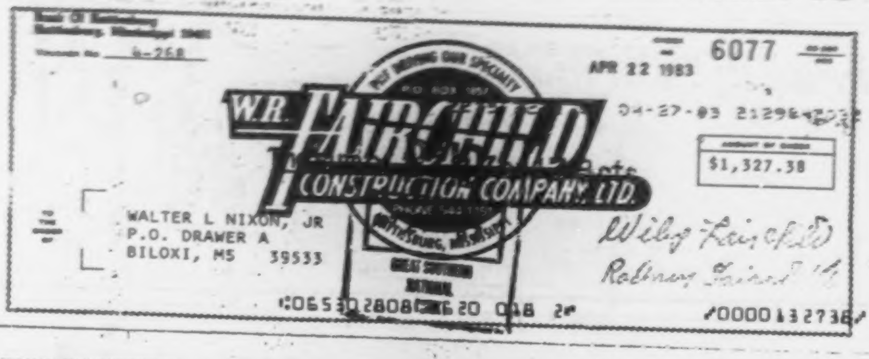
For Deposit Only
WALTER L. NIXON, JR.
Peoples Bank
Special Acct
007-827-2

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
2230 2242 04 03-02-83 1111391724



For Deposit Only
WALTER L. NIXON, JR.
Peoples Bank of Biloxi
Special Acct
007-827-2

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
2210 2233 04 03-30-83 2121450515



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 4-268

6077
APR 22 1983

04-27-83 212984

AMOUNT OF CHECK
$1,327.38

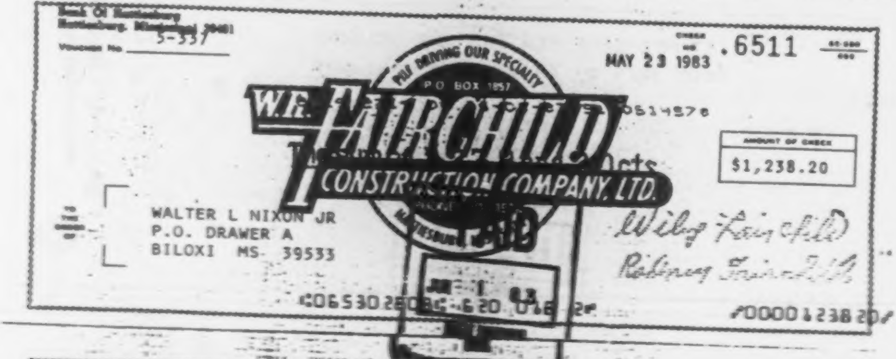
W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PILE DRIVING OUR SPECIALTY
HATTIESBURG, MISSISSIPPI

TO THE ORDER OF
WALTER L NIXON, JR
P.O. DRAWER A
BILOXI, MS 39533

Wiley Fairchild
Rodney Fairchild

GREAT SOUTHERN NATIONAL

⑆065302808⑆ 620 018 2⑈ ⑈0000132738⑈



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 5-337

CHECK NO. .6511
MAY 23 1983

0614576

AMOUNT OF CHECK
$1,238.20

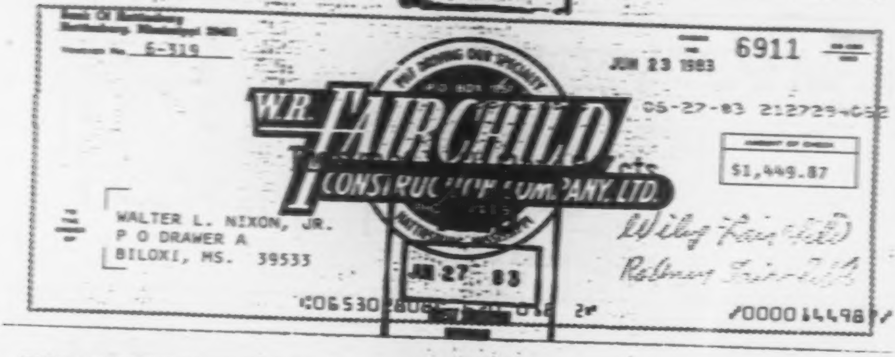
W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PILE DRIVING OUR SPECIALTY
P.O. BOX 1857

TO THE ORDER OF
WALTER L NIXON JR
P.O. DRAWER A
BILOXI MS 39533

Wiley Fairchild
Rodney Fairchild

JUN 1 83

⑆065302808⑆ 620 018 2⑈ ⑈0000123820⑈



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 6-319

6911
JUN 23 1983

06-27-83 212729

AMOUNT OF CHECK
$1,449.87

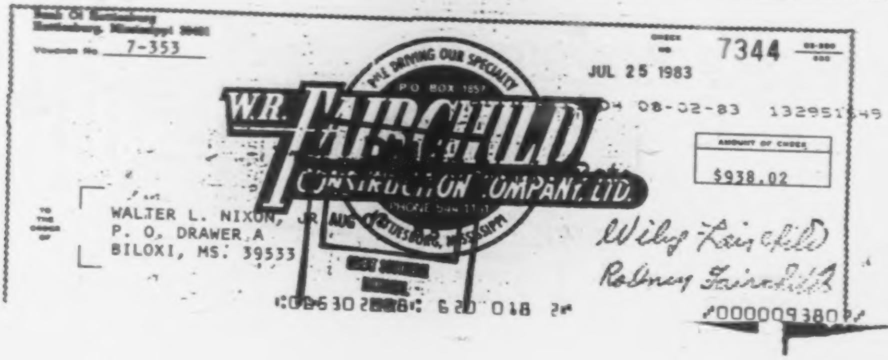
W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PILE DRIVING OUR SPECIALTY
HATTIESBURG, MISSISSIPPI

TO THE ORDER OF
WALTER L. NIXON, JR.
P O DRAWER A
BILOXI, MS. 39533

Wiley Fairchild
Rodney Fairchild

JUN 27 83

⑆065302808⑆ 620 018 2⑈ ⑈0000144987⑈



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 7-353

CHECK NO. 7344
JUL 25 1983

08-02-83 132951

AMOUNT OF CHECK
$938.02

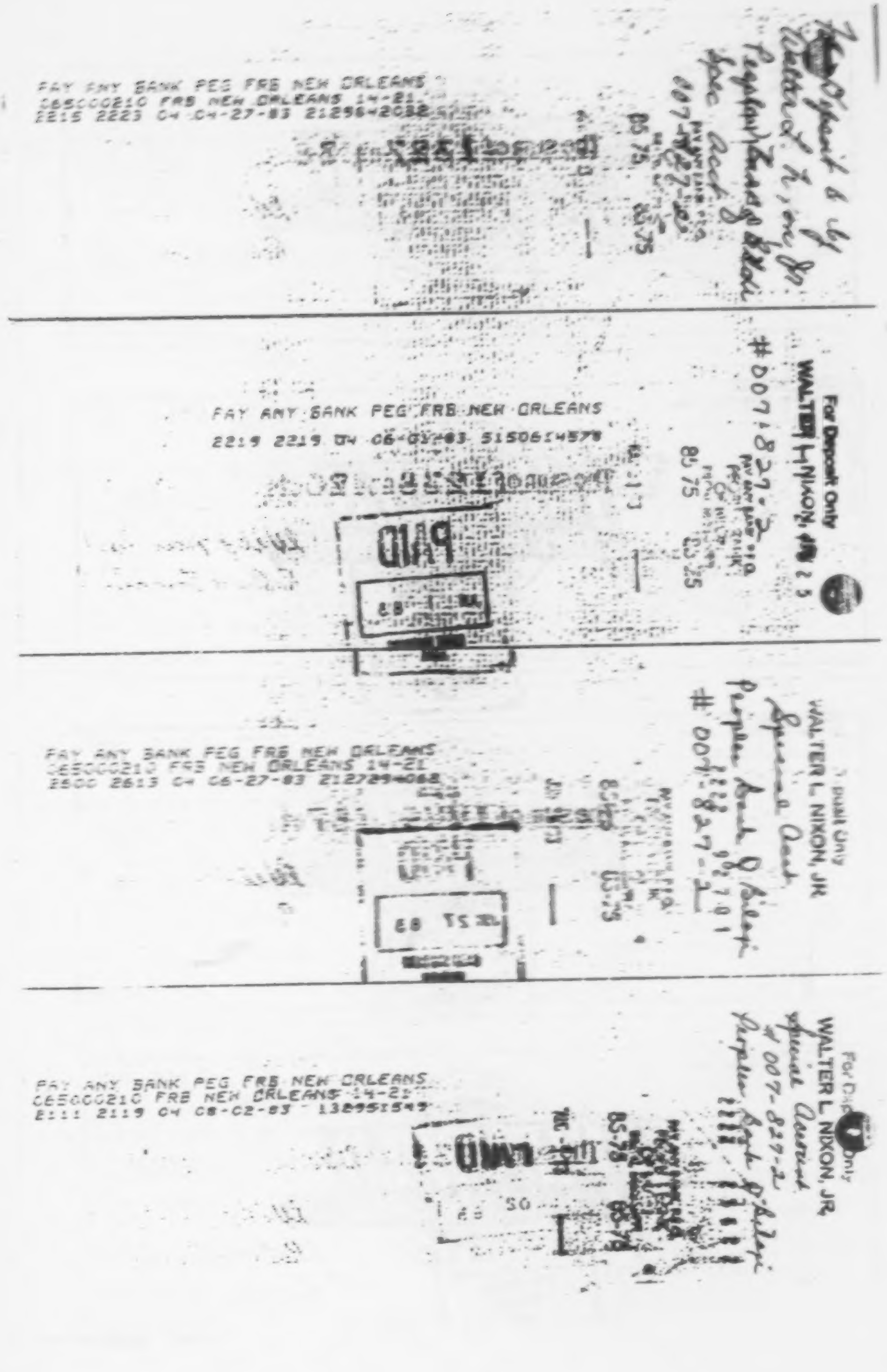
W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PILE DRIVING OUR SPECIALTY
P.O. BOX 1857
PHONE 544-1151
HATTIESBURG, MISSISSIPPI

TO THE ORDER OF
WALTER L. NIXON, JR
P. O. DRAWER A
BILOXI, MS. 39533

Wiley Fairchild
Rodney Fairchild

GREAT SOUTHERN NATIONAL

⑆065302808⑆ 620 018 2⑈ ⑈0000093802⑈



For Deposit to my
Walter L. Nixon, Jr.
Peoples Bank of Biloxi
Spec Acct
007-827-2

85.75 85.75

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
2215 2223 04 04-27-83 21296-2032

For Deposit Only
WALTER L. NIXON, JR.
#007-827-2

85 75 85.25

PAY ANY BANK PEG FRB NEW ORLEANS
2219 2219 04 06-02-83 5150614578

PAID

Deposit Only
WALTER L. NIXON, JR
Special Acct
Peoples Bank of Biloxi
#007-827-2

85.75 85.75

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
2600 2613 04 06-27-83 212729-068

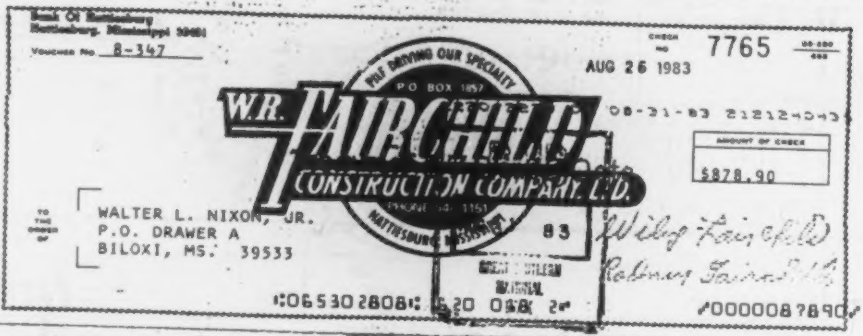
JUN 27 83

For Deposit Only
WALTER L. NIXON, JR.
Special Account
#007-827-2
Peoples Bank of Biloxi

85-75 85-75

PAID

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
2111 2119 04 08-02-83 132951549



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 8-347

CHECK NO. 7765

AUG 26 1983

08-31-83 2121240431

AMOUNT OF CHECK
$878.90

W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PILE DRIVING OUR SPECIALTY
P.O. BOX 1857
PHONE 544 1151
HATTIESBURG, MISSISSIPPI

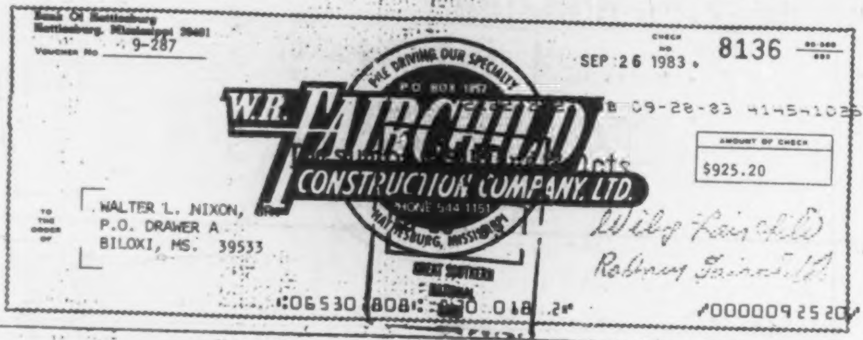
TO THE ORDER OF
WALTER L. NIXON, JR.
P.O. DRAWER A
BILOXI, MS. 39533

83

GREAT SOUTHERN
NATIONAL

Wiley Fairchild
Rodney Fairchild

⑆065302808⑆ 620 018 2⑈ ⑈0000087890⑈



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 9-287

CHECK NO. 8136

SEP 26 1983

09-28-83 4145410255

AMOUNT OF CHECK
$925.20

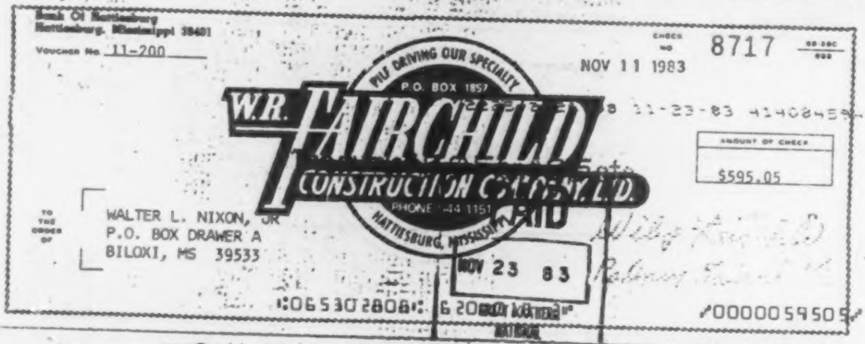
W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PILE DRIVING OUR SPECIALTY
P.O. BOX 1857
PHONE 544 1151
HATTIESBURG, MISSISSIPPI

TO THE ORDER OF
WALTER L. NIXON, JR.
P.O. DRAWER A
BILOXI, MS. 39533

GREAT SOUTHERN
NATIONAL

Wiley Fairchild
Rodney Fairchild

⑆065302808⑆ 620 018 2⑈ ⑈0000092520⑈



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 11-200

CHECK NO. 8717

NOV 11 1983

11-23-83 4140845940

AMOUNT OF CHECK
$595.05

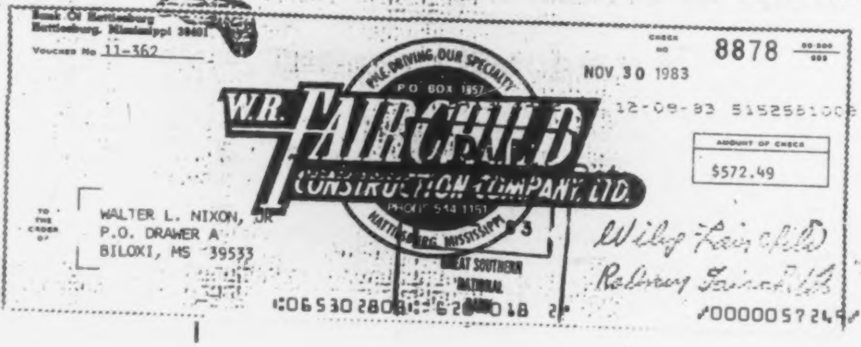
W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PILE DRIVING OUR SPECIALTY
P.O. BOX 1857
PHONE 544 1151
HATTIESBURG, MISSISSIPPI

TO THE ORDER OF
WALTER L. NIXON, JR
P.O. BOX DRAWER A
BILOXI, MS 39533

PAID
NOV 23 83
GREAT SOUTHERN
NATIONAL

Wiley Fairchild
Rodney Fairchild

⑆065302808⑆ 620 018 2⑈ ⑈0000059505⑈



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 11-362

CHECK NO. 8878

NOV 30 1983

12-09-83 5152551008

AMOUNT OF CHECK
$572.49

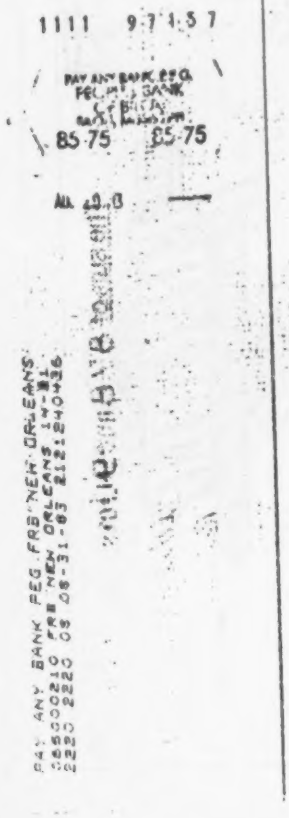
W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PILE DRIVING OUR SPECIALTY
P.O. BOX 1857
PHONE 544 1151
HATTIESBURG, MISSISSIPPI

TO THE ORDER OF
WALTER L. NIXON, JR
P.O. DRAWER A
BILOXI, MS 39533

83
GREAT SOUTHERN
NATIONAL
BANK

Wiley Fairchild
Rodney Fairchild

⑆065302808⑆ 620 018 2⑈ ⑈0000057249⑈



1111 97157

PAY ANY BANK P.E.G.
PEOPLES BANK
[illegible]
BILOXI, MISSISSIPPI
85-75 85-75

AUG [illegible] 83

PAY ANY BANK PEG FRB NEW ORLEANS
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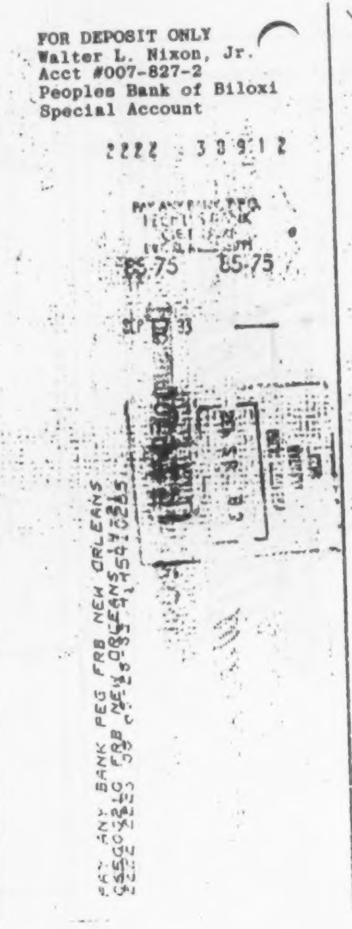
2220 2220 08 08-31-83 2121240436



FOR DEPOSIT ONLY
Walter L. Nixon, Jr.
Acct #007-827-2
Peoples Bank of Biloxi
Special Account

2222 30912

PAY ANY BANK P.E.G.
PEOPLES BANK
[illegible]
85-75 85-75

SEP [illegible] 83

PAY ANY BANK PEG FRB NEW ORLEANS
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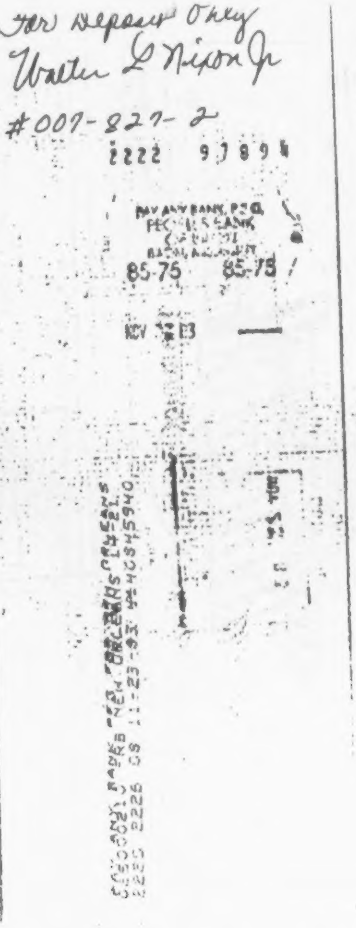
2222 2225 08 09-28-83 1135410285



For Deposit Only
Walter L Nixon Jr
#007-827-2

2222 97894

PAY ANY BANK P.E.G.
PEOPLES BANK
[illegible]
BILOXI, MISSISSIPPI
85-75 85-75

NOV [illegible] 83

PAY ANY BANK PEG FRB NEW ORLEANS
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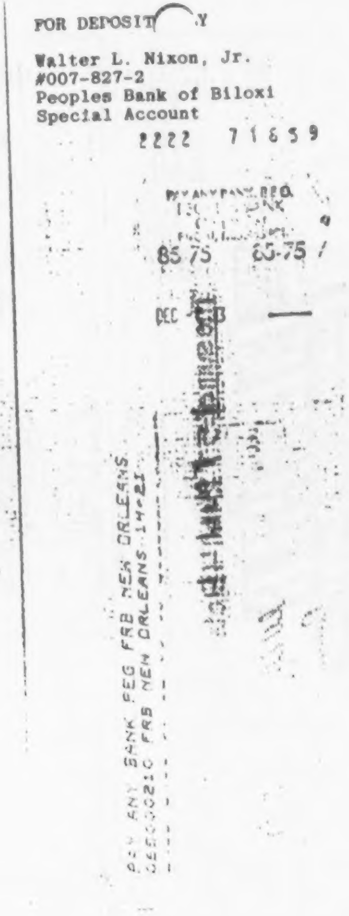
2225 2226 08 11-23-83 1440845940



FOR DEPOSIT ONLY

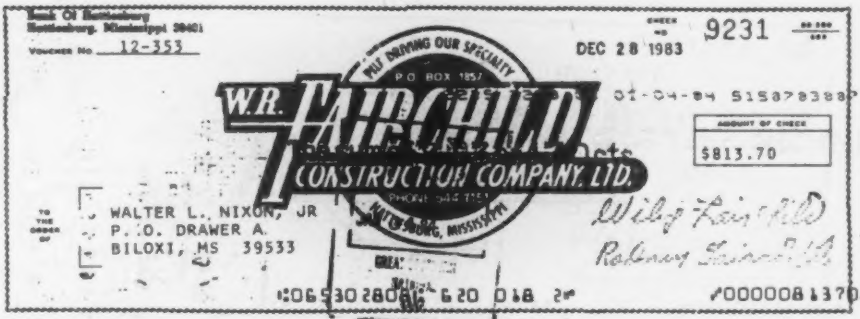
Walter L. Nixon, Jr.
#007-827-2
Peoples Bank of Biloxi
Special Account

2222 71659

PAY ANY BANK P.E.G.
PEOPLES BANK
[illegible]
85-75 85-75

DEC [illegible] 83

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21


Bank Of Hattiesburg
Hattiesburg, Mississippi 39401

Voucher No. 12-353

CHECK NO 9231

DEC 28 1983

W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PILE DRIVING OUR SPECIALTY
P.O. BOX 1857
PHONE 544 1151
HATTIESBURG, MISSISSIPPI

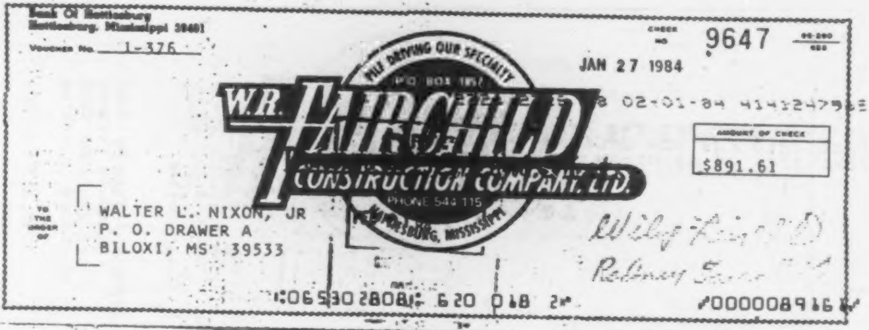
01-04-84 515878388

AMOUNT OF CHECK
$813.70

TO THE ORDER OF
WALTER L. NIXON, JR
P. O. DRAWER A.
BILOXI, MS 39533

Wiley Fairchild
Rodney Fairchild

065302808 620 018 2 0000081370


Bank Of Hattiesburg
Hattiesburg, Mississippi 39401

Voucher No. 1-376

CHECK NO 9647

JAN 27 1984

W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PILE DRIVING OUR SPECIALTY
P.O. BOX 1857
PHONE 544 115
HATTIESBURG, MISSISSIPPI

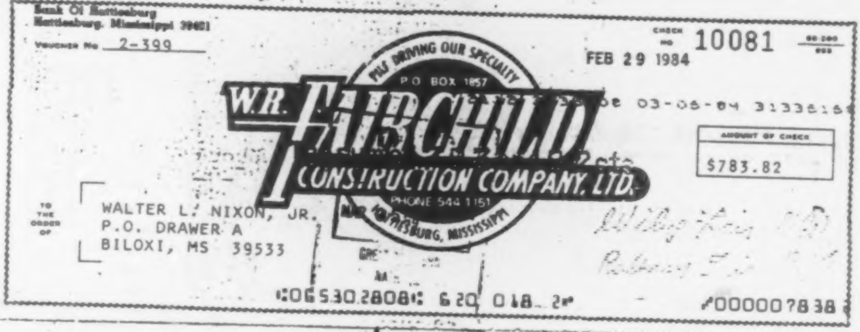
02-01-84 414124795

AMOUNT OF CHECK
$891.61

TO THE ORDER OF
WALTER L. NIXON, JR
P. O. DRAWER A
BILOXI, MS 39533

Wiley Fairchild
Rodney Fair

065302808 620 018 2 000008916


Bank Of Hattiesburg
Hattiesburg, Mississippi 39401

Voucher No. 2-399

CHECK NO 10081

FEB 29 1984

W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PILE DRIVING OUR SPECIALTY
P.O. BOX 1857
PHONE 544 1151
HATTIESBURG, MISSISSIPPI

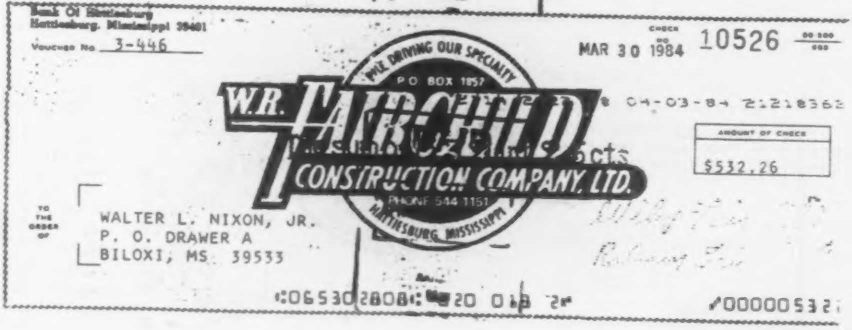
03-05-84 313361

AMOUNT OF CHECK
$783.82

TO THE ORDER OF
WALTER L. NIXON, JR.
P.O. DRAWER A
BILOXI, MS 39533

Wiley Fair
Rodney Fair

065302808 620 018 2 000007838


Bank Of Hattiesburg
Hattiesburg, Mississippi 39401

Voucher No. 3-446

CHECK NO 10526

MAR 30 1984

W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PILE DRIVING OUR SPECIALTY
P.O. BOX 1857
PHONE 544 1151
HATTIESBURG, MISSISSIPPI

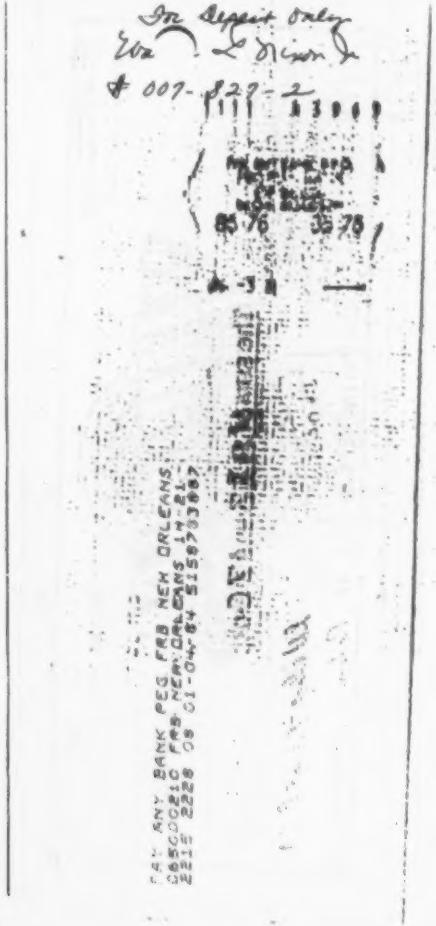
04-03-84 21218362

AMOUNT OF CHECK
$532.26

TO THE ORDER OF
WALTER L. NIXON, JR.
P. O. DRAWER A
BILOXI, MS 39533

Rodney Fair

065302808 620 018 2 00000532



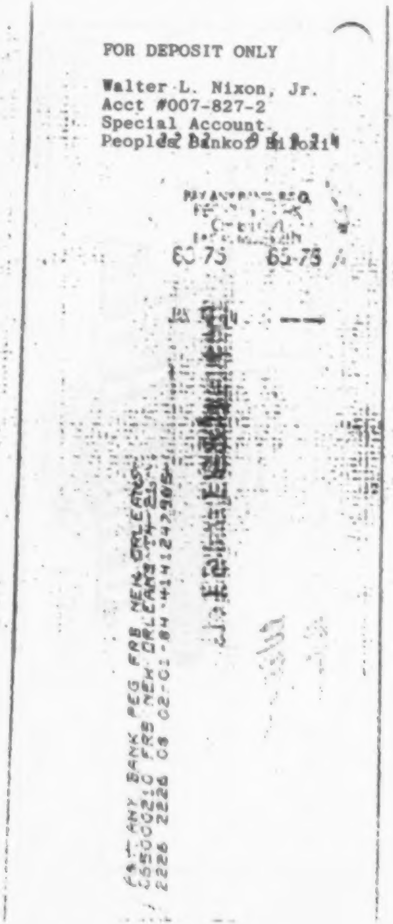
For Deposit Only
Walter L Nixon Jr
007-827-2

1111 13009

PAY ANY BANK P.E.G.
PEOPLES BANK
OF BILOXI
BILOXI, MISSISSIPPI
85-75 85-75

JAN -3 84

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
2215 2228 08 01-04-84 5156733887



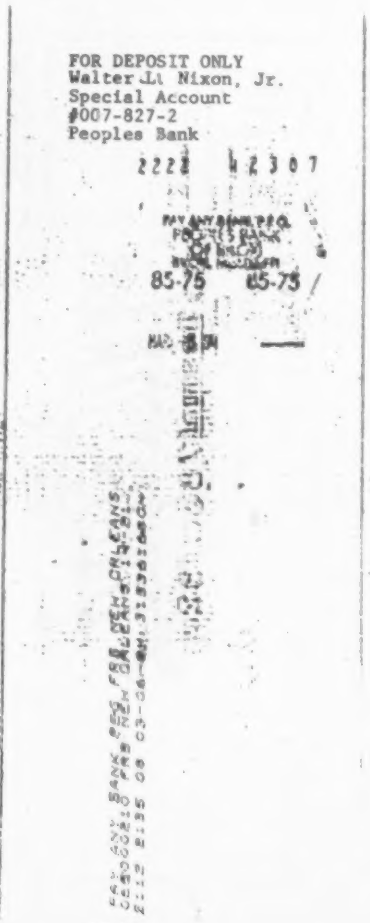
FOR DEPOSIT ONLY

Walter L. Nixon, Jr.
Acct #007-827-2
Special Account
Peoples Bank of Biloxi

PAY ANY BANK P.E.G.
PEOPLES BANK
OF BILOXI
BILOXI, MISSISSIPPI
85-75 85-75

JAN 31 84

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
2226 2226 08 02-01-84 4141247305



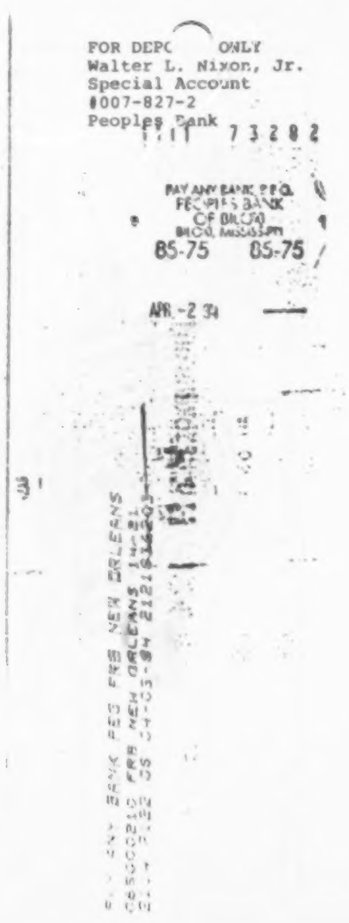
FOR DEPOSIT ONLY
Walter L. Nixon, Jr.
Special Account
#007-827-2
Peoples Bank

2222 42307

PAY ANY BANK P.E.G.
PEOPLES BANK
OF BILOXI
BILOXI, MISSISSIPPI
85-75 85-75

MAR -8 84

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
2112 2135 08 03-06-84 3133616804



FOR DEPOSIT ONLY
Walter L. Nixon, Jr.
Special Account
#007-827-2
Peoples Bank

1111 73282

PAY ANY BANK P.E.G.
PEOPLES BANK
OF BILOXI
BILOXI, MISSISSIPPI
85-75 85-75

APR -2 84

PAY ANY BANK PEG FRB NEW ORLEANS
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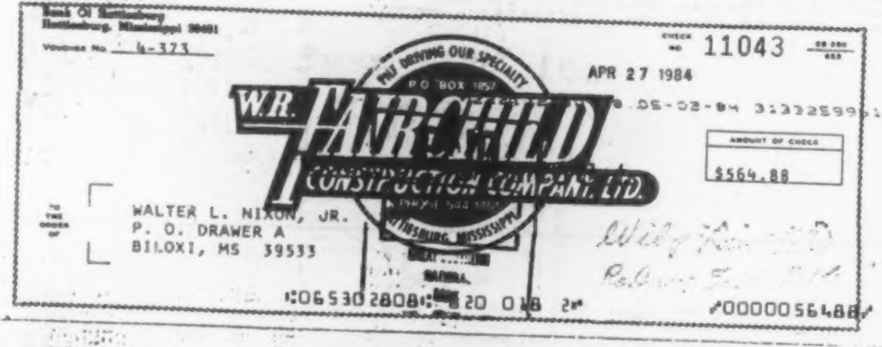
2114 2122 08 04-03-84 2121816203


Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 4-373

CHECK NO. 11043

APR 27 1984

05-02-84 3133259961

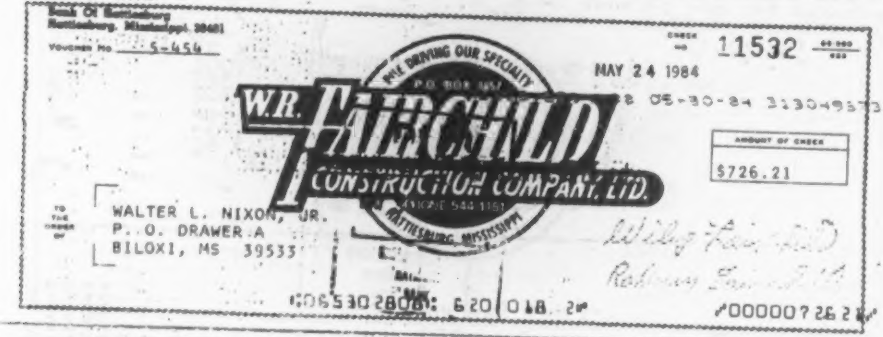
W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PILE DRIVING OUR SPECIALTY
P.O. BOX 1857
PHONE 544 1151
HATTIESBURG, MISSISSIPPI

AMOUNT OF CHECK
$564.88

TO THE ORDER OF
WALTER L. NIXON, JR.
P. O. DRAWER A
BILOXI, MS 39533

Wiley Fairchild
Rodney Fairchild

⑆065302808⑆ 620 018 2⑈ ⑈0000056488⑈


Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 5-454

CHECK NO. 11532

MAY 24 1984

05-30-84 3130495735

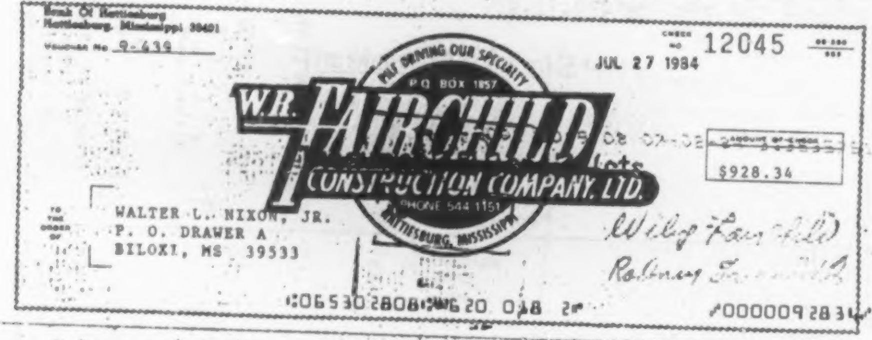
W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PILE DRIVING OUR SPECIALTY
P.O. BOX 1857
PHONE 544 1151
HATTIESBURG, MISSISSIPPI

AMOUNT OF CHECK
$726.21

TO THE ORDER OF
WALTER L. NIXON, JR.
P. O. DRAWER A
BILOXI, MS 39533

Wiley Fairchild
Rodney Fairchild

⑆065302808⑆ 620 018 2⑈ ⑈0000072621⑈


Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 9-439

CHECK NO. 12045

JUL 27 1984

08-02-84

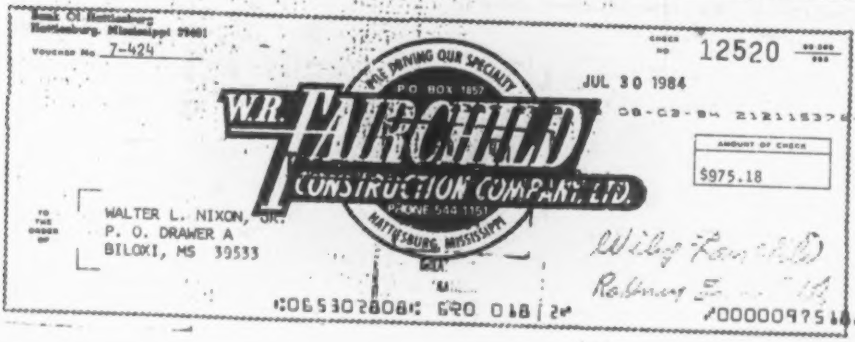
W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PILE DRIVING OUR SPECIALTY
P.O. BOX 1857
PHONE 544 1151
HATTIESBURG, MISSISSIPPI

AMOUNT OF CHECK
$928.34

TO THE ORDER OF
WALTER L. NIXON, JR.
P. O. DRAWER A
BILOXI, MS 39533

Wiley Fairchild
Rodney Fairchild

⑆065302808⑆ 620 018 2⑈ ⑈0000092834⑈


Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 7-424

CHECK NO. 12520

JUL 30 1984

08-03-84 2121153786

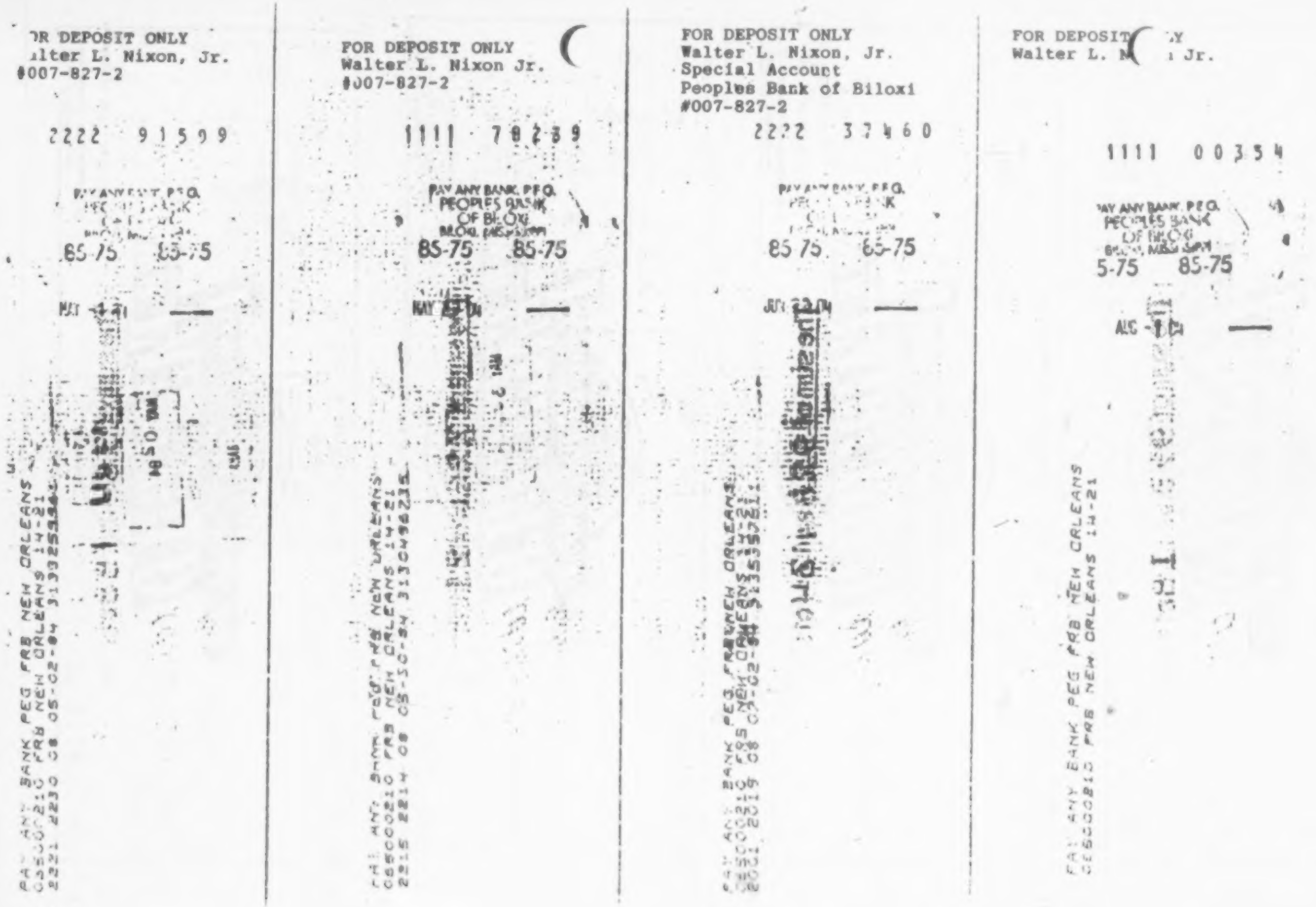
W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PILE DRIVING OUR SPECIALTY
P.O. BOX 1857
PHONE 544 1151
HATTIESBURG, MISSISSIPPI

AMOUNT OF CHECK
$975.18

TO THE ORDER OF
WALTER L. NIXON, JR.
P. O. DRAWER A
BILOXI, MS 39533

Wiley Fairchild
Rodney Fairchild

⑆065302808⑆ 620 018 2⑈ ⑈0000097518⑈



OR DEPOSIT ONLY
alter L. Nixon, Jr.
#007-827-2

2222 91599

PAY ANY BANK P.E.G.
85-75 85-75

MAY -4 84

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
2221 2230 08 05-02-84 3133253341

FOR DEPOSIT ONLY
Walter L. Nixon Jr.
#007-827-2

1111 78239

PAY ANY BANK P.E.G.
PEOPLES BANK
OF BILOXI
BILOXI, MISSISSIPPI
85-75 85-75

MAY 31 84

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
2215 2214 08 05-30-84 3130496235

FOR DEPOSIT ONLY
Walter L. Nixon, Jr.
Special Account
Peoples Bank of Biloxi
#007-827-2

2222 37460

PAY ANY BANK P.E.G.
85-75 85-75

JUL 23 84

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
2001 2019 08 07-02-84 313535761

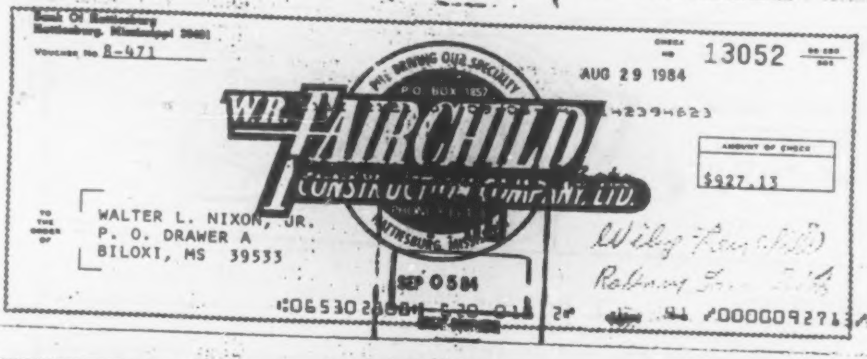
FOR DEPOSIT
Walter L. N Jr.

1111 00354

PAY ANY BANK P.E.G.
PEOPLES BANK
OF BILOXI
BILOXI, MISSISSIPPI
5-75 85-75

AUG -1 84

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401

Voucher No 8-471

CHECK NO 13052

AUG 29 1984

W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PILE DRIVING OUR SPECIALTY
P.O. BOX 1857
HATTIESBURG, MISSISSIPPI

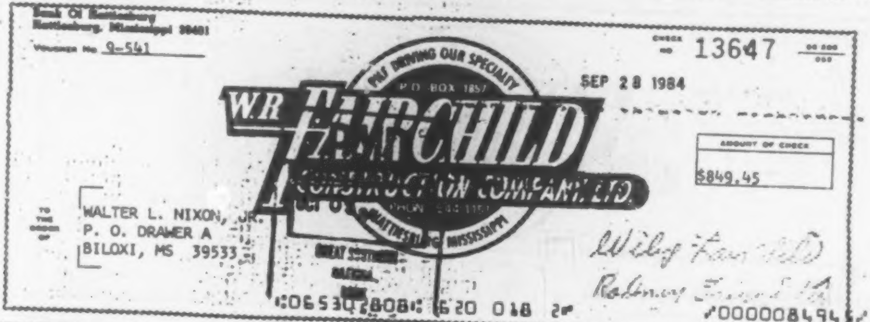
AMOUNT OF CHECK
$927.13

TO THE ORDER OF
WALTER L. NIXON, JR.
P. O. DRAWER A
BILOXI, MS 39533

Wiley Fairchild
Rodney Fairchild

SEP 05 84

⑆065302808⑆ 620 018 2" ⑈0000092713⑈



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401

Voucher No 9-541

CHECK NO 13647

SEP 28 1984

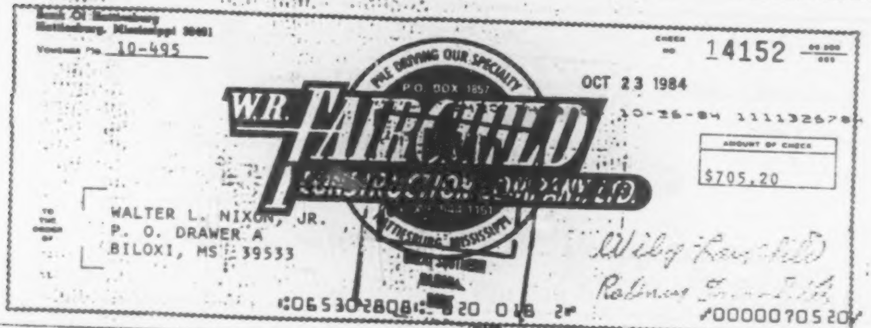
W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PILE DRIVING OUR SPECIALTY
P.O. BOX 1857
PHONE 544-1151
HATTIESBURG, MISSISSIPPI

AMOUNT OF CHECK
$849.45

TO THE ORDER OF
WALTER L. NIXON, JR.
P. O. DRAWER A
BILOXI, MS 39533

Wiley Fairchild
Rodney Fairchild

⑆065302808⑆ 620 018 2" ⑈0000084945⑈



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401

Voucher No 10-495

CHECK NO 14152

OCT 23 1984

W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PILE DRIVING OUR SPECIALTY
P.O. BOX 1857
PHONE 544-1151
HATTIESBURG, MISSISSIPPI

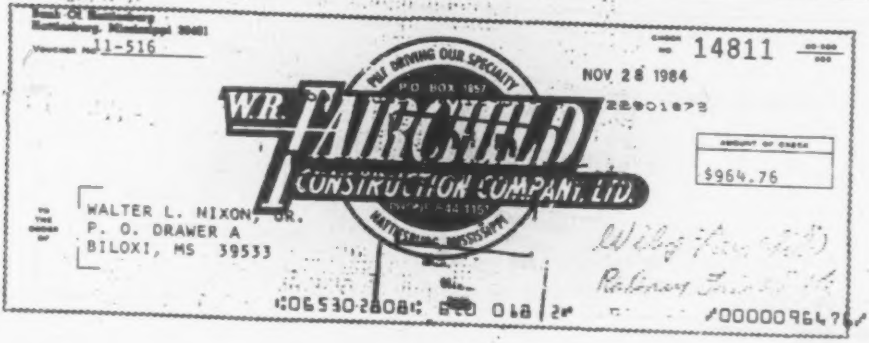
10-26-84

AMOUNT OF CHECK
$705.20

TO THE ORDER OF
WALTER L. NIXON, JR.
P. O. DRAWER A
BILOXI, MS 39533

Wiley Fairchild
Rodney Fairchild

⑆065302808⑆ 620 018 2" ⑈0000070520⑈



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401

Voucher No 11-516

CHECK NO 14811

NOV 28 1984

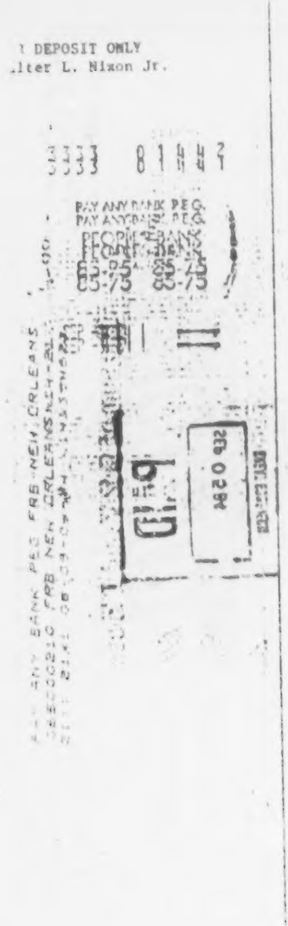
W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PILE DRIVING OUR SPECIALTY
P.O. BOX 1857
PHONE 544-1151
HATTIESBURG, MISSISSIPPI

AMOUNT OF CHECK
$964.76

TO THE ORDER OF
WALTER L. NIXON, JR.
P. O. DRAWER A
BILOXI, MS 39533

Wiley Fairchild
Rodney Fairchild

⑆065302808⑆ 620 018 2" ⑈0000096476⑈

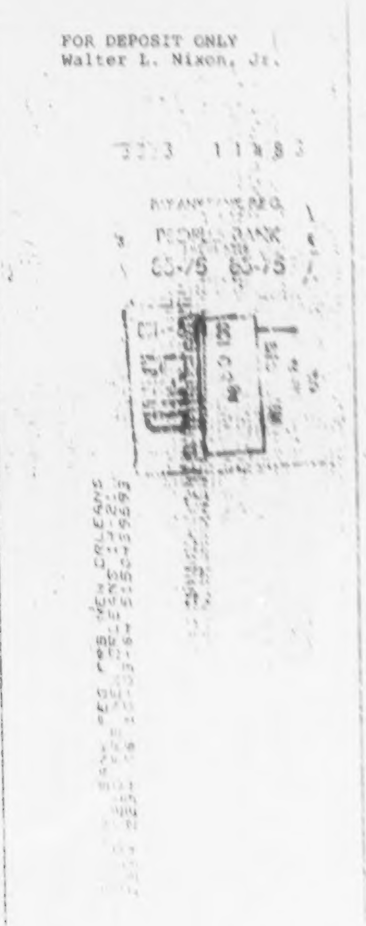

DEPOSIT ONLY
lter L. Nixon Jr.

3333 81442

PAY ANY BANK P.E.G.
PEOPLES BANK
85-75 85-75

PAID
SEP 05 84

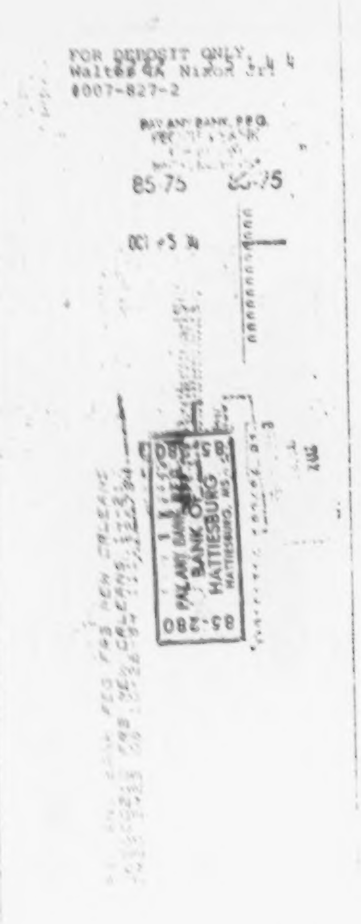
PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS H-21
2111 2141 08 09-04-84


FOR DEPOSIT ONLY
Walter L. Nixon, Jr.

3333 11483

PAY ANY BANK P.E.G.
PEOPLES BANK
85-75 85-75

PAY ANY BANK PEG FRB NEW ORLEANS
FRB NEW ORLEANS H-21
2234 2234 08 10-03-84 5150439593

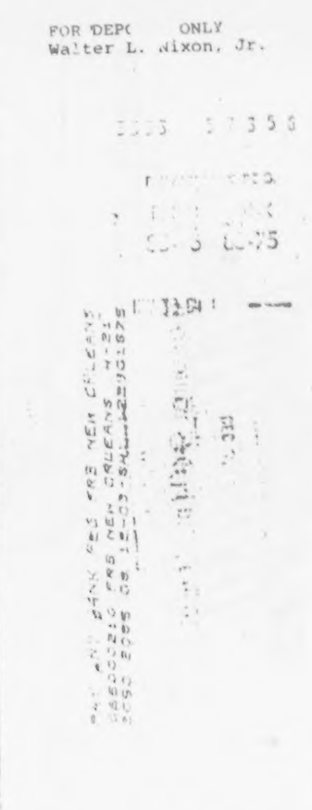

FOR DEPOSIT ONLY
Walter L. Nixon Jr.
0007-827-2

PAY ANY BANK P.E.G.
85-75 85-75

OCT 5 84

PAY ANY BANK PEG FRB NEW ORLEANS
FRB NEW ORLEANS H-21
2425 2425 08 10-26-84

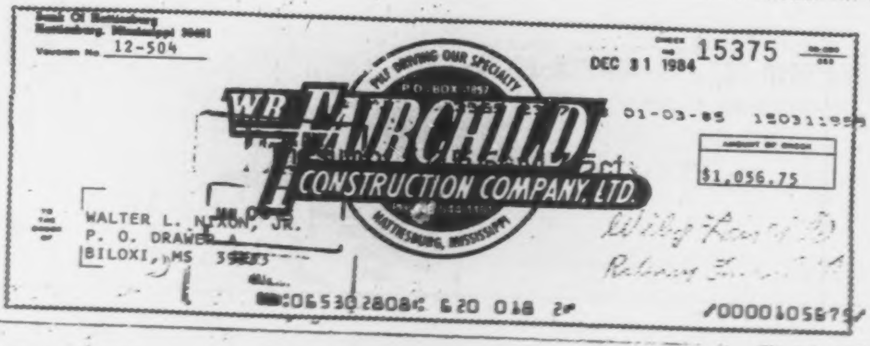
PAY ANY BANK P.E.G.
BANK OF HATTIESBURG
HATTIESBURG, MS.
85-280


FOR DEPO ONLY
Walter L. Nixon, Jr.

3333 57356

85-75 85-75

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS H-21
2050 2055 08 12-03-84



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 12-504

CHECK NO. 15375

DEC 31 1984

W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PILE DRIVING OUR SPECIALTY
P.O. BOX 1857
HATTIESBURG, MISSISSIPPI

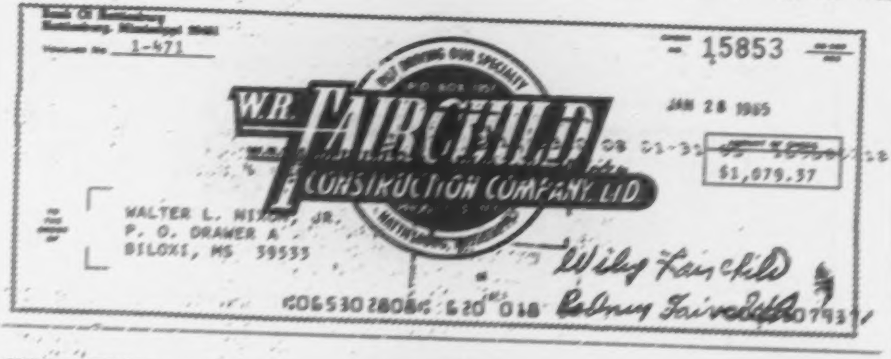
01-03-85

AMOUNT OF CHECK
$1,056.75

TO THE ORDER OF
WALTER L. NIXON, JR.
P. O. DRAWER A
BILOXI, MS 39533

Wiley Fairchild
Rodney Fairchild

:065302808: 620 018 2 /0000105675/



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 1-471

15853

JAN 28 1985

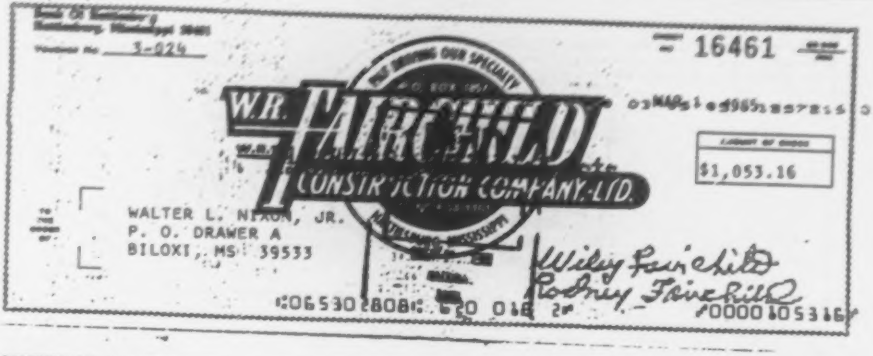
W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PILE DRIVING OUR SPECIALTY
P.O. BOX 1857
HATTIESBURG, MISSISSIPPI

AMOUNT OF CHECK
$1,079.37

TO THE ORDER OF
WALTER L. NIXON, JR.
P. O. DRAWER A
BILOXI, MS 39533

Wiley Fairchild
Rodney Fairchild

:065302808: 620 018



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 3-024

16461

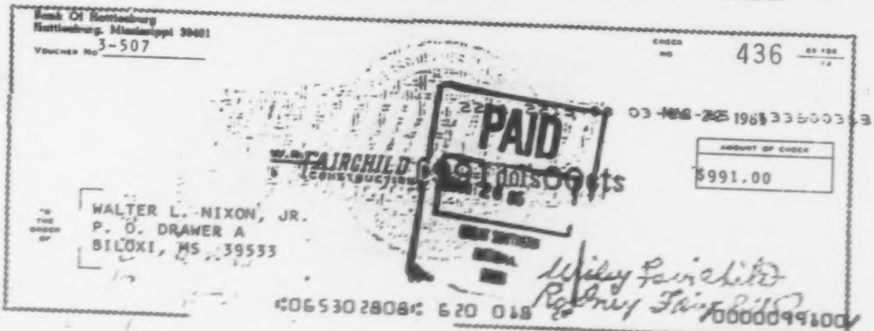
W.R. FAIRCHILD CONSTRUCTION COMPANY, LTD.
PILE DRIVING OUR SPECIALTY
P.O. BOX 1857
HATTIESBURG, MISSISSIPPI

AMOUNT OF CHECK
$1,053.16

TO THE ORDER OF
WALTER L. NIXON, JR.
P. O. DRAWER A
BILOXI, MS 39533

Wiley Fairchild
Rodney Fairchild

:065302808: 620 018 2 /0000105316/



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401
Voucher No. 3-507

CHECK NO. 436

PAID

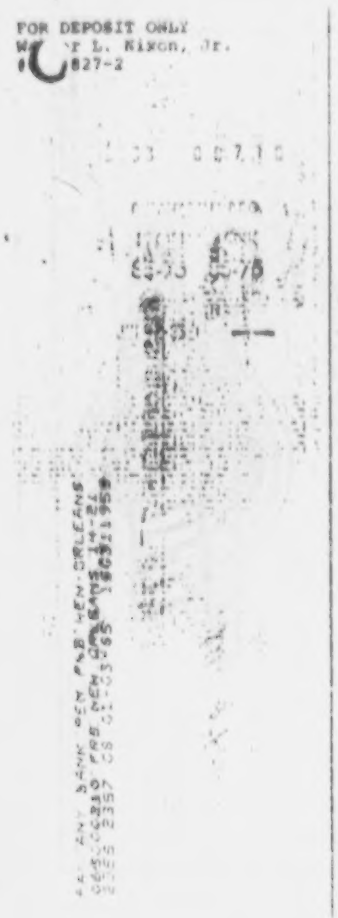
W.R. FAIRCHILD CONSTRUCTION

AMOUNT OF CHECK
$991.00

TO THE ORDER OF
WALTER L. NIXON, JR.
P. O. DRAWER A
BILOXI, MS 39533

Wiley Fairchild
Rodney Fairchild

:065302808: 620 018 2 /0000099100/

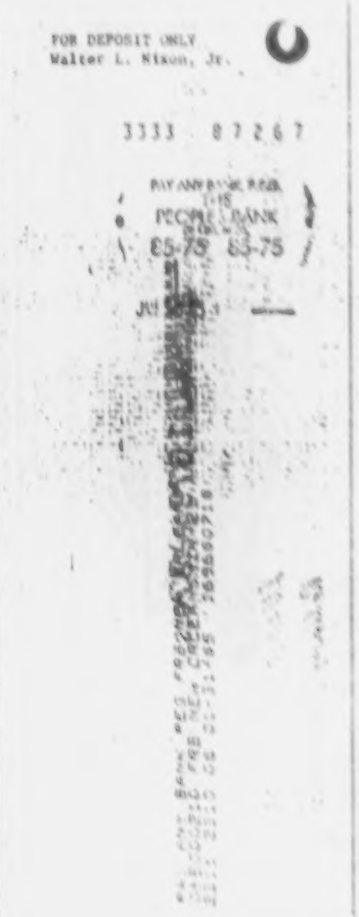


FOR DEPOSIT ONLY
Walter L. Nixon, Jr.
#007-827-2

3333 00710

PAY ANY BANK, PEG.
THE PEOPLES BANK
85-75 85-75

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
2355 2357 CS 01-03-65 160311959

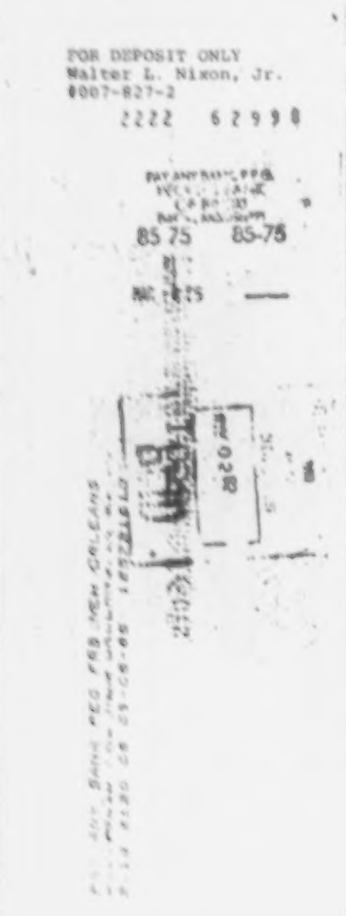


FOR DEPOSIT ONLY
Walter L. Nixon, Jr.

3333 87267

PAY ANY BANK, PEG.
THE
PEOPLES BANK
85-75 85-75

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS
2211 2215 CS 01-31-65 169860718



FOR DEPOSIT ONLY
Walter L. Nixon, Jr.
#007-827-2

2222 62990

PAY ANY BANK, PEG.
85 75 85-75

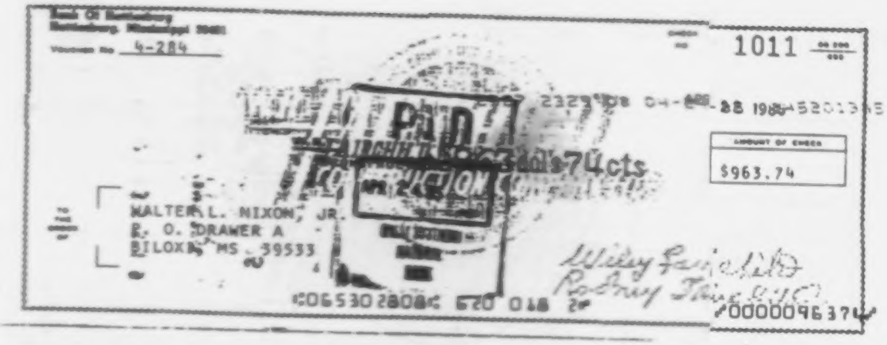
PAY ANY BANK PEG FRB NEW ORLEANS
2114 2120 CS 03-06-65

FOR DEPOSIT ONLY
WALTER L. NIXON, JR.
#007-827-2

3333 82176

PAY ANY BANK, PEG.
THE
PEOPLES BANK
85-75 85-75

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
2211 2215 CS 03-26-65 133600355



4-284

1011

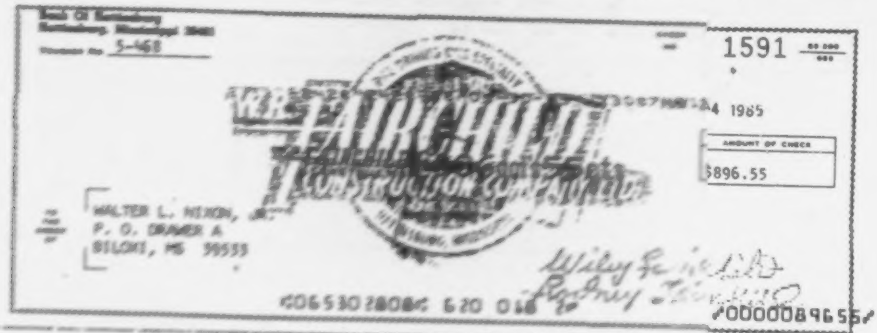
2323 04-28 1985 520134

$963.74

WALTER L. NIXON, JR.
P. O. DRAWER A
BILOXI, MS 39533

Wiley Fairchild
Rodney Fairchild

⑆065302808⑆ 620 018 2⑈ ⑈0000096374⑈



5-468

1591

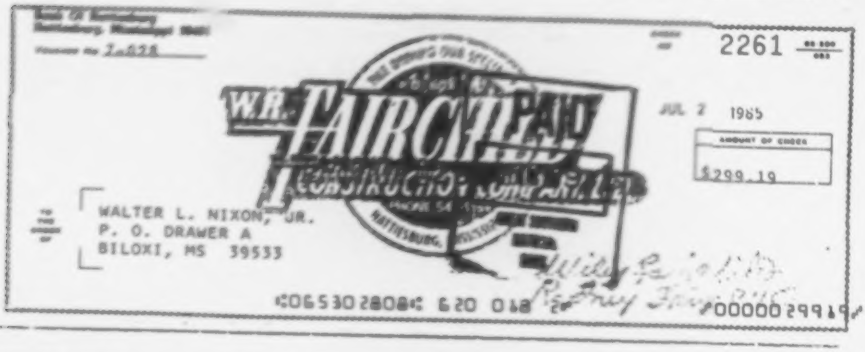
1985

$896.55

WALTER L. NIXON, JR.
P. O. DRAWER A
BILOXI, MS 39533

Wiley Fairchild
Rodney Fairchild

⑆065302808⑆ 620 018 2⑈ ⑈0000089655⑈



7-028

2261

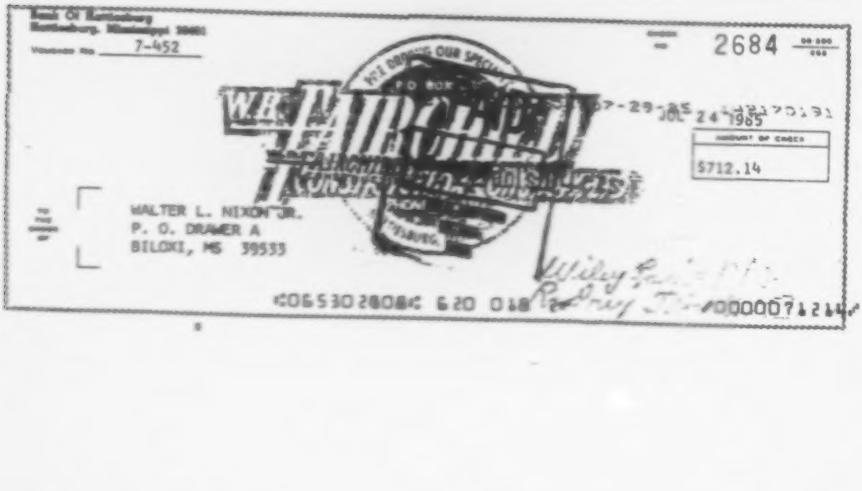
JUL 2 1985

$299.19

WALTER L. NIXON, JR.
P. O. DRAWER A
BILOXI, MS 39533

Wiley Fairchild
Rodney Fairchild

⑆065302808⑆ 620 018 2⑈ ⑈0000029919⑈



7-452

2684

07-29-85 JUL 24 1985

$712.14

WALTER L. NIXON JR.
P. O. DRAWER A
BILOXI, MS 39533

Wiley Fairchild
Rodney Fairchild

⑆065302808⑆ 620 018 2⑈ ⑈0000071214⑈

FOR DEPOSIT ONLY
ER L. NIXON, JR.

2222 37519

PAY ANY BANK PEG.
PEOPLES BANK
OF BILOXI
85-75 85-75

APR 23 85

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
2337 2339 08 04-24-85 145201345

FOR DEPOSIT ONLY
Walter L. Nixon, Jr.
4444 23499

PAY ANY BANK PEG.
PEOPLES BANK
85-75 85-75

PAY ANY BANK PEG FRB NEW ORLEANS
2428 2428 08 05-30-85 130874814

FOR DEPOSIT ONLY
WALTER L. NIXON, JR.

85-75

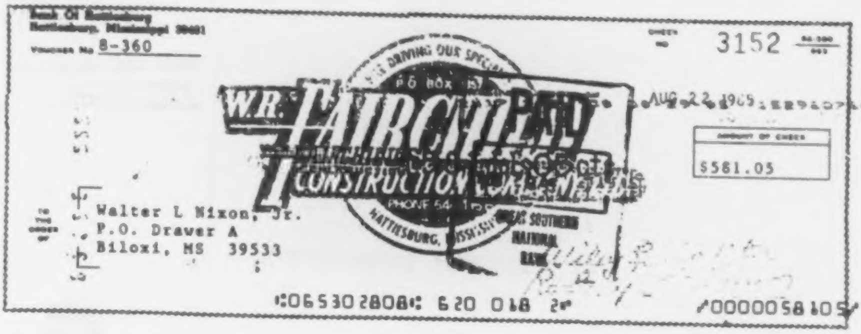
PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
2342 2344 08 07-10-85 148517269

FOR DEPOSIT
WALTER L. NIXON, JR.

79513

PAY ANY BANK PEG.
PEOPLES BANK
85-75 85-75

PAY ANY BANK PEG FRB NEW ORLLEANS
065000210 FRBBB NEW ORLEANS 14-21
2109 2111 08 07-29-85 142170191



Bank Of Hattiesburg
Hattiesburg, Mississippi 39401

Voucher No 8-360

Check No 3152

AUG 22 1985

Amount of Check
$581.05

To the order of
Walter L Nixon, Jr.
P.O. Drawer A
Biloxi, MS 39533

W.R. FAIRCHILD CONSTRUCTION CO.
P.O. BOX 157
PHONE 54
HATTIESBURG, MISSISSIPPI

PAID

GREAT SOUTHERN NATIONAL BANK

065302808 620 018 2 0000058105

EXHIBIT NO. G-18 EVID.
CAUSE NO. H86-00012(L)
WITNESS Wiley Fairchild
PAGES 12.

JAN 30 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF [illegible]
Claire Scott REPORTER

FOR DEPOSIT ONLY
Walter L. Nixon, Jr.

2222 32760

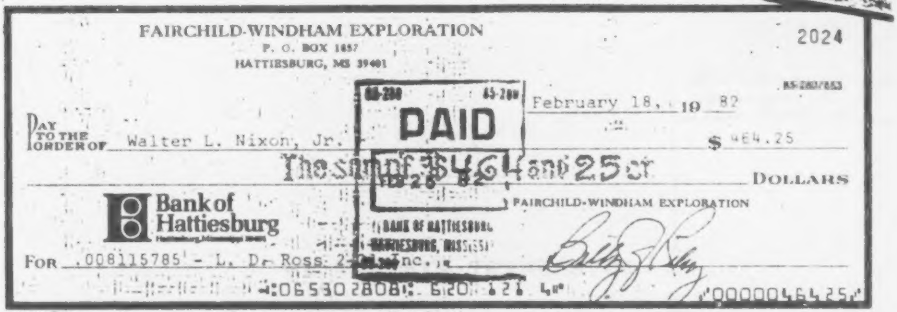
PAY ANY BANK P.E.G.
[illegible]
86-75 86-79

AUG 28 86

065000210 FRB NEW ORLEANS 14-21
2417 242H CS 08-29-85 152980786

GOVERNMENT EXHIBIT 19

GOVERNME
EXHIBIT
19



FAIRCHILD-WINDHAM EXPLORATION
P. O. BOX 1857
HATTIESBURG, MS 39401

2024

85-280/653

February 18, 19 82

PAY TO THE ORDER OF Walter L. Nixon, Jr. $ 464.25

The sum of $464 and 25 ct DOLLARS

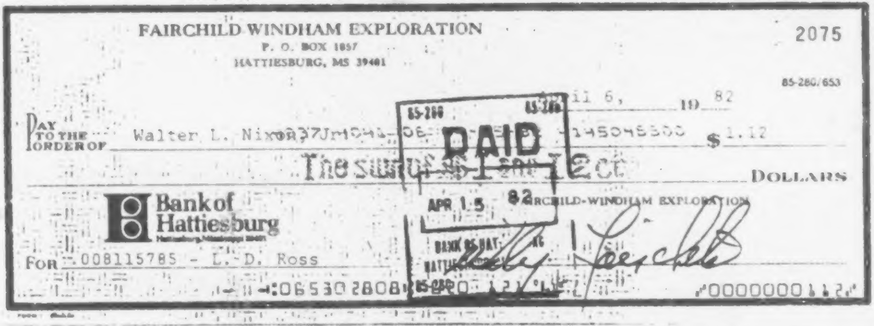
Bank of Hattiesburg

FAIRCHILD-WINDHAM EXPLORATION

FOR .008115785 - L. D. Ross 2- Inc.

PAID
FEB 26 82
BANK OF HATTIESBURG
HATTIESBURG, MISSISSIPPI

⑆065302808⑆ 620 121 4⑈ ⑆0000046425⑆



FAIRCHILD-WINDHAM EXPLORATION
P. O. BOX 1857
HATTIESBURG, MS 39401

2075

85-280/653

April 6, 19 82

PAY TO THE ORDER OF Walter L. Nixon, Jr. $ 1.12

The sum of $1 and 12 ct DOLLARS

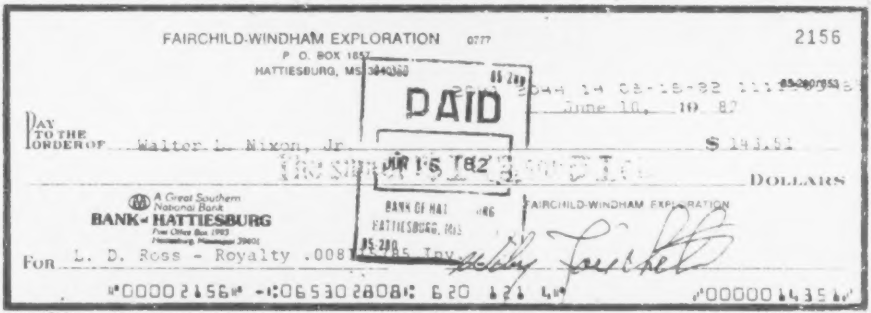
Bank of Hattiesburg

FAIRCHILD-WINDHAM EXPLORATION

FOR .008115785 - L. D. Ross

PAID
APR 15 82
BANK OF HATTIESBURG

⑆065302808⑆ 620 121 4⑈ ⑆0000000112⑆



FAIRCHILD-WINDHAM EXPLORATION 0777
P. O. BOX 1857
HATTIESBURG, MS 39401

2156

85-280/653

June 10, 19 82

PAY TO THE ORDER OF Walter L. Nixon, Jr. $ 143.51

The sum of $143 and 51 ct DOLLARS

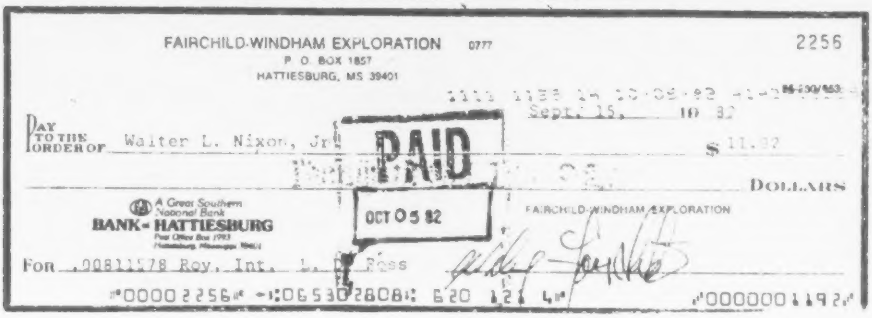
A Great Southern National Bank
BANK of HATTIESBURG
Post Office Box 1993
Hattiesburg, Mississippi 39401

FAIRCHILD-WINDHAM EXPLORATION

FOR L. D. Ross - Royalty .008115785 Inv.

PAID
JUN 15 82
BANK OF HATTIESBURG
HATTIESBURG, MISS

⑈00002156⑈ ⑆065302808⑆ 620 121 4⑈ ⑆0000014351⑆



FAIRCHILD-WINDHAM EXPLORATION 0777
P. O. BOX 1857
HATTIESBURG, MS 39401

2256

85-280/653

Sept. 15, 19 82

PAY TO THE ORDER OF Walter L. Nixon, Jr. $ 11.92

DOLLARS

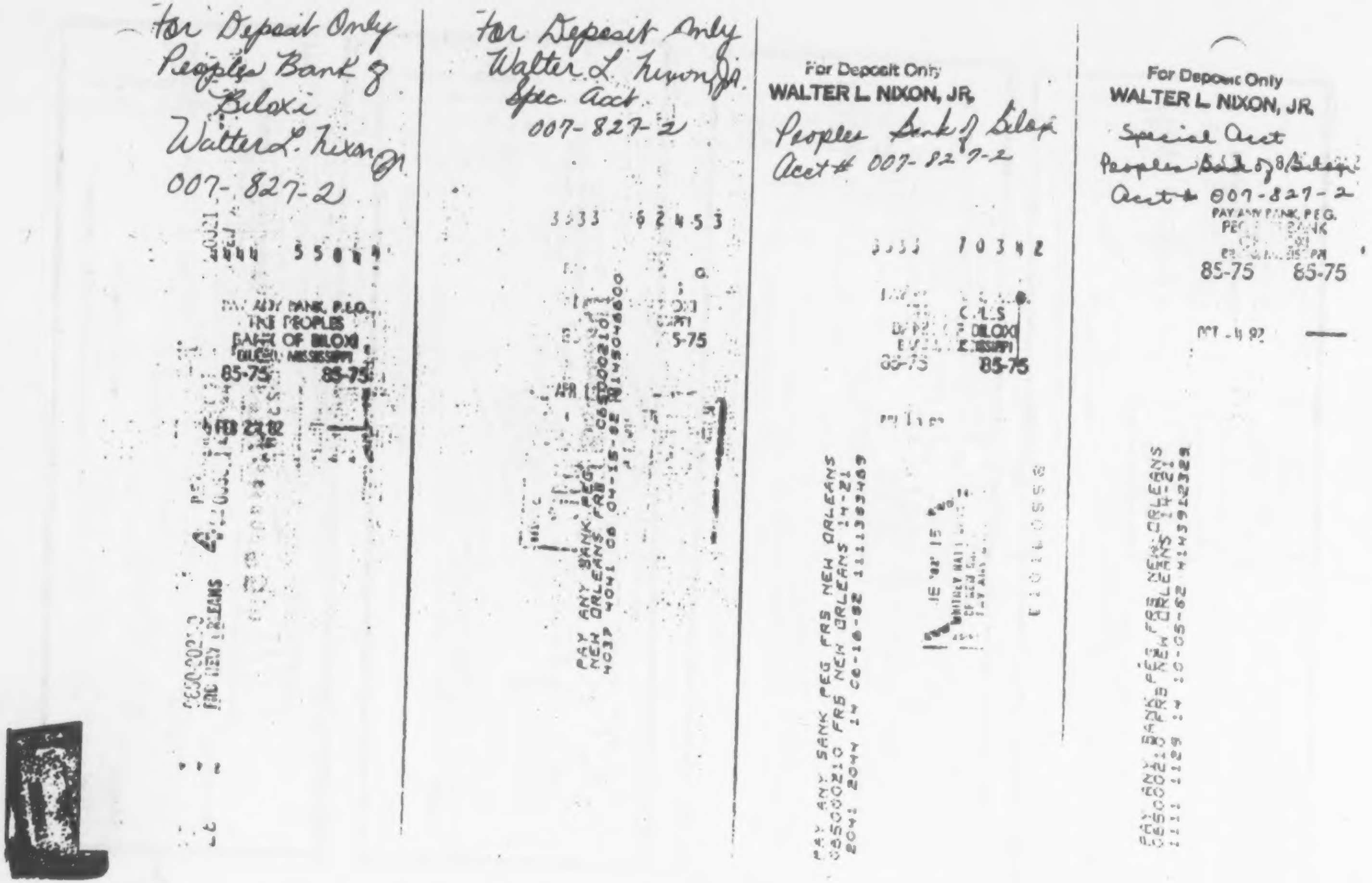
A Great Southern National Bank
BANK of HATTIESBURG
Post Office Box 1993
Hattiesburg, Mississippi 39401

FAIRCHILD-WINDHAM EXPLORATION

FOR .00811578 Roy. Int. L. D. Ross

PAID
OCT 05 82

⑈00002256⑈ ⑆065302808⑆ 620 121 4⑈ ⑆0000001192⑆



For Deposit Only
Peoples Bank of
Biloxi
Walter L. Nixon Jr
007-827-2

4444 55044

PAY ANY BANK, P.E.G.
THE PEOPLES
BANK OF BILOXI
BILOXI, MISSISSIPPI
85-75 85-75

FEB 23 82

0650-0021-0
FRB NEW ORLEANS

For Deposit Only
Walter L. Nixon Jr.
Spec Acct
007-827-2

3333 62453

PAY ANY BANK PEG
NEW ORLEANS FRB 065000210
4037 4041 06 04-15-82 1145046800

For Deposit Only
WALTER L. NIXON, JR.
Peoples Bank of Biloxi
Acct # 007-827-2

3333 70342

BANK OF BILOXI
MISSISSIPPI
85-75 85-75

PAY ANY BANK PEG FRS NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
2041 2044 14 06-16-82 1111383489

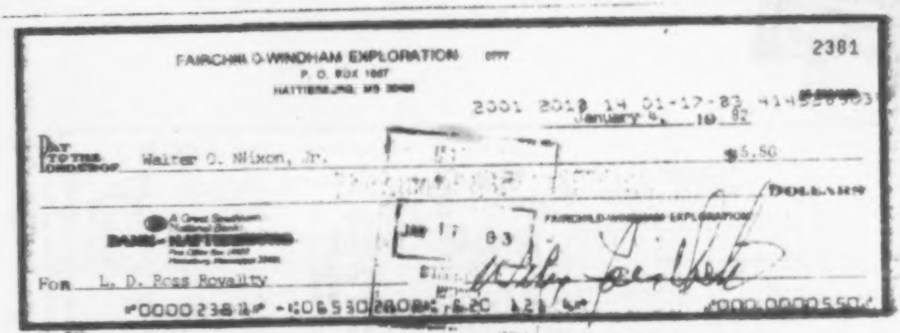
JE '82 15

For Deposit Only
WALTER L. NIXON, JR.
Special Acct
Peoples Bank of Biloxi
Acct # 007-827-2

PAY ANY BANK, P.E.G.
85-75 85-75

OCT -4 82

PAY ANY BANK PEG FRS NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
1111 1129 14 10-05-82 1143912329



FAIRCHILD-WINDHAM EXPLORATION 0777
P. O. BOX 1857
HATTIESBURG, MS 39401

2381

2001 2013 14 01-17-83 414

January 4, 19 82

PAY TO THE ORDER OF Walter O. Nixon, Jr. $5.50

DOLLARS

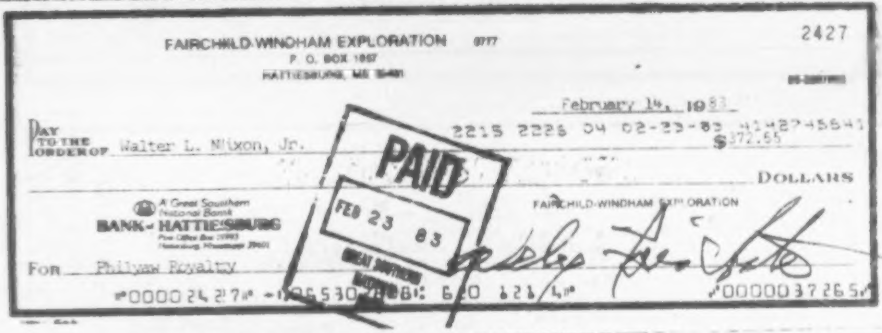
A Great Southern National Bank
BANK-HATTIESBURG

JAN 17 83

FAIRCHILD-WINDHAM EXPLORATION

FOR L. D. Ross Royalty

⑈0000238⑈ ⑆065302808⑆ 620 121 4⑈ ⑈0000000550⑈



FAIRCHILD-WINDHAM EXPLORATION 0777
P. O. BOX 1857
HATTIESBURG, MS 39401

2427

February 14, 1983

2215 2226 04 02-23-83 414274556

PAY TO THE ORDER OF Walter L. Nixon, Jr. $372.65

DOLLARS

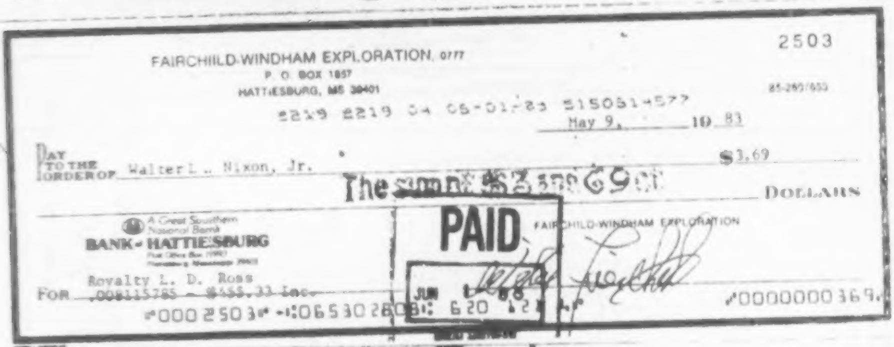
A Great Southern National Bank
BANK-HATTIESBURG

PAID
FEB 23 83
GREAT SOUTHERN NATIONAL

FAIRCHILD-WINDHAM EXPLORATION

FOR Philyaw Royalty

⑈0000242 7⑈ ⑆065302808⑆ 620 121 4⑈ ⑈0000037265⑈



FAIRCHILD-WINDHAM EXPLORATION 0777
P. O. BOX 1857
HATTIESBURG, MS 39401

2503

85-280/653

2219 2219 04 06-01-83 515051457

May 9, 19 83

PAY TO THE ORDER OF Walter L. Nixon, Jr. $3.69

The sum of $3 and 69 cts DOLLARS

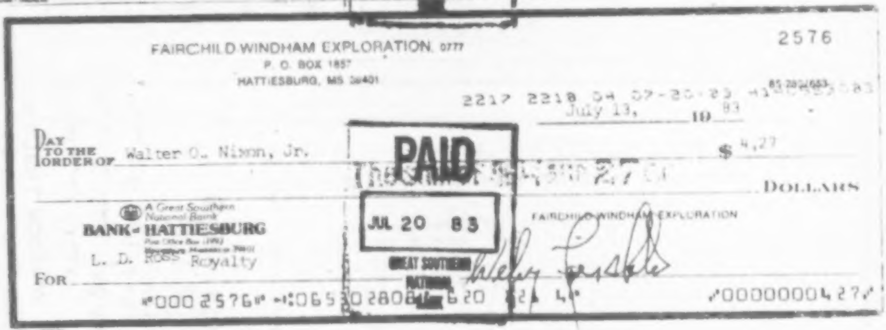
A Great Southern National Bank
BANK-HATTIESBURG

PAID
JUN 1 83

FAIRCHILD-WINDHAM EXPLORATION

Royalty L. D. Ross
FOR .008115785 – $455.33 Inc.

⑈0002503⑈ ⑆065302808⑆ 620 121 4⑈ ⑈0000000369⑈



FAIRCHILD-WINDHAM EXPLORATION 0777
P. O. BOX 1857
HATTIESBURG, MS 39401

2576

85-280/653

2217 2218 04 07-20-83 41

July 13, 19 83

PAY TO THE ORDER OF Walter O. Nixon, Jr. $ 4.27

The sum of $4 and 27 cts DOLLARS

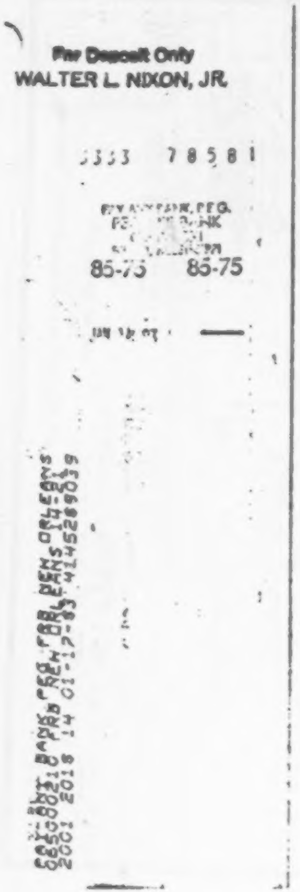
A Great Southern National Bank
BANK-HATTIESBURG

PAID
JUL 20 83
GREAT SOUTHERN NATIONAL BANK

FAIRCHILD-WINDHAM EXPLORATION

L. D. Ross Royalty
FOR

⑈0002576⑈ ⑆065302808⑆ 620 121 4⑈ ⑈0000000427⑈

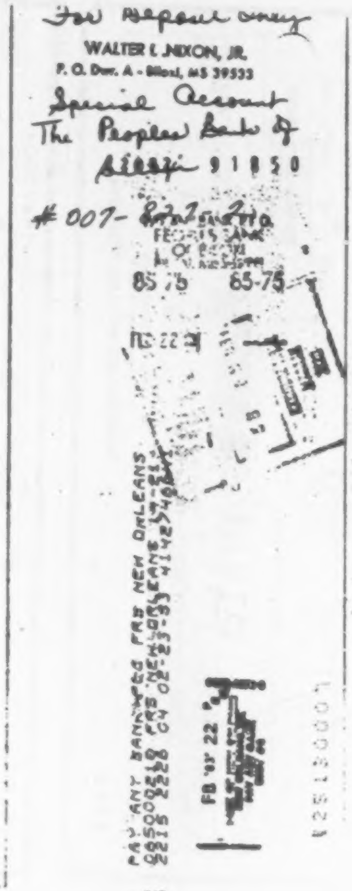


For Deposit Only
WALTER L. NIXON, JR.

3333 78581

PAY ANY BANK PEG
85-75 85-75

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
2001 2018 14 01-17-83 4145289039

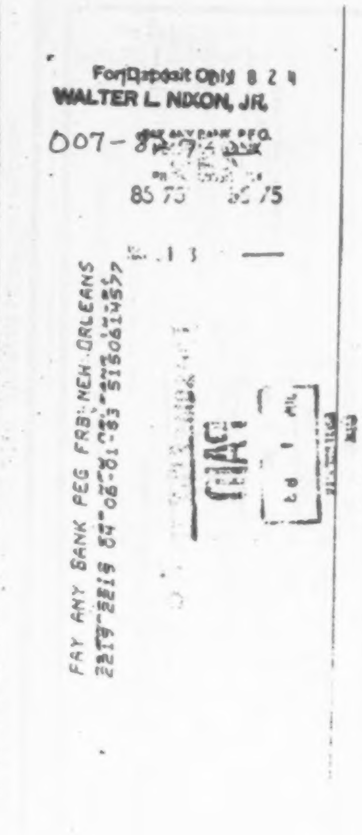


For Deposit Only
WALTER L. NIXON, JR.
P. O. Box A - Biloxi, MS 39533
Special Account
The Peoples Bank of
Biloxi 91850
#007-827-2

PEOPLES BANK
OF BILOXI
85-75 85-75

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
2215 2228 04 02-23-83 4142740

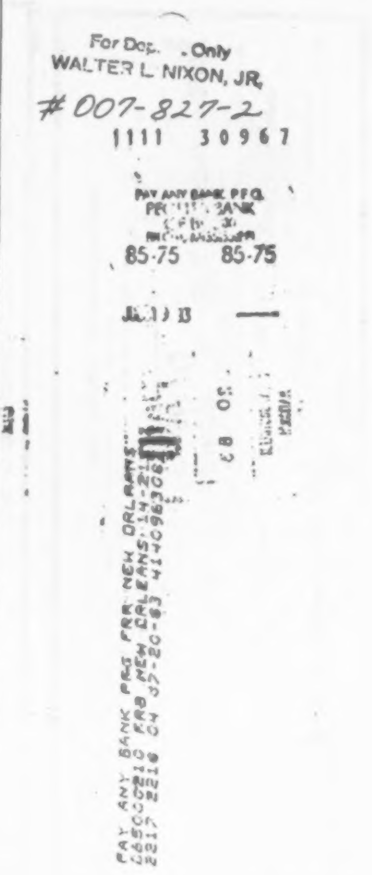
FB '83 22



For Deposit Only 8 2 4
WALTER L. NIXON, JR.
007-827-2

PAY ANY BANK PEG
85-75 85-75

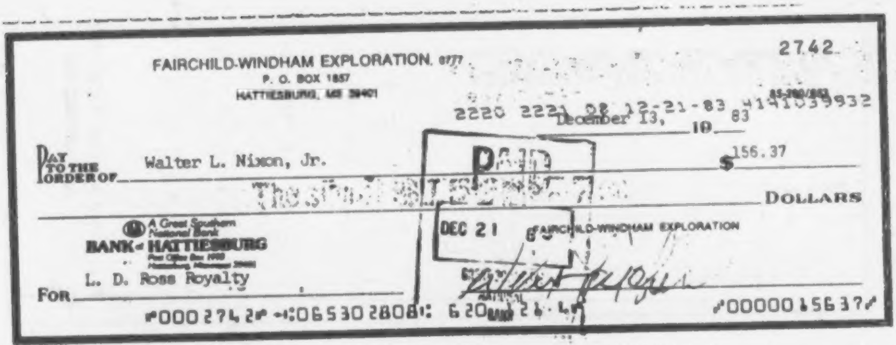
PAY ANY BANK PEG FRB NEW ORLEANS
2219 2219 04 06-01-83 5150614577



For Dep. Only
WALTER L. NIXON, JR.
#007-827-2
1111 30967

PAY ANY BANK PEG
PEOPLES BANK
OF BILOXI
85-75 85-75

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
2217 2216 04 07-20-83 414096306



FAIRCHILD-WINDHAM EXPLORATION, 0777
P. O. BOX 1857
HATTIESBURG, MS 39401

2742

85-280/853

2220 2221 08 12-21-83 4141039932

December 13, 19 83

PAY TO THE ORDER OF Walter L. Nixon, Jr. $156.37

The sum of $156 and 37 ct DOLLARS

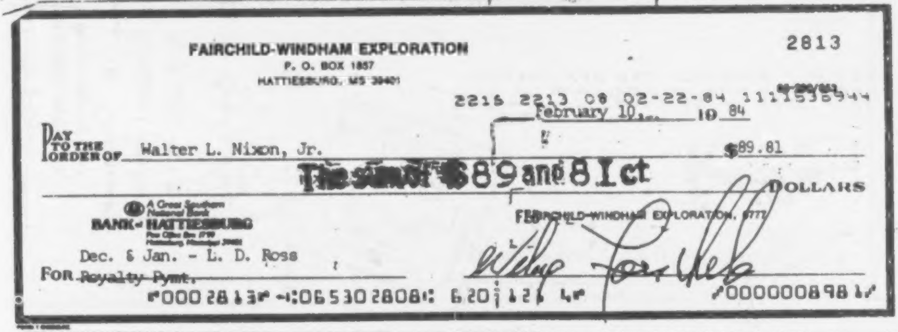
A Great Southern National Bank
BANK of HATTIESBURG

FOR L. D. Ross Royalty

PAID
DEC 21 83

FAIRCHILD-WINDHAM EXPLORATION

⑈0002742⑈ ⑆065302808⑆ 620 121 4⑈ ⑈0000015637⑈



FAIRCHILD-WINDHAM EXPLORATION
P. O. BOX 1857
HATTIESBURG, MS 39401

2813

85-280/853

2216 2213 08 02-22-84 1111536944

February 10, 19 84

PAY TO THE ORDER OF Walter L. Nixon, Jr. $89.81

The sum of $89 and 81 ct DOLLARS

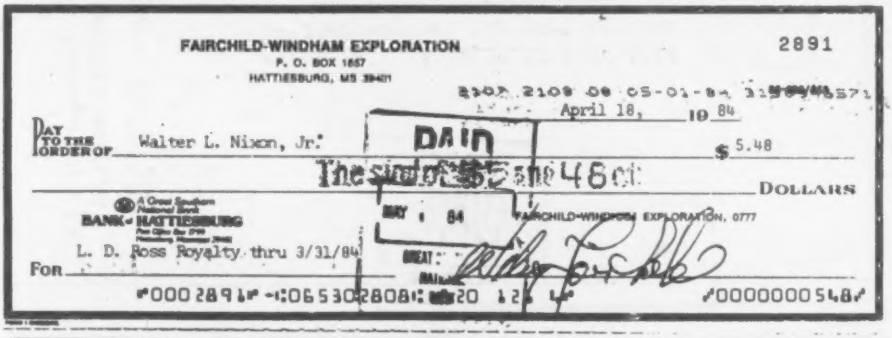
A Great Southern National Bank
BANK of HATTIESBURG

FOR Dec. & Jan. - L. D. Ross Royalty Pymt.

FAIRCHILD-WINDHAM EXPLORATION, 0777

Wiley Fairchild

⑈0002813⑈ ⑆065302808⑆ 620 121 4⑈ ⑈0000008981⑈



FAIRCHILD-WINDHAM EXPLORATION
P. O. BOX 1857
HATTIESBURG, MS 39401

2891

85-280/853

2102 2109 08 05-01-84 3

April 18, 19 84

PAY TO THE ORDER OF Walter L. Nixon, Jr. $5.48

The sum of $5 and 48 ct DOLLARS

A Great Southern National Bank
BANK of HATTIESBURG

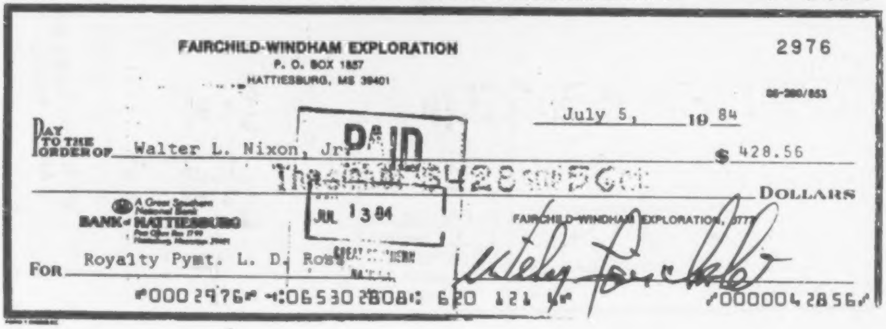
FOR L. D. Ross Royalty thru 3/31/84

PAID
MAY 1 84

FAIRCHILD-WINDHAM EXPLORATION, 0777

Wiley Fairchild

⑈0002891⑈ ⑆065302808⑆ 620 121 4⑈ ⑈0000000548⑈



FAIRCHILD-WINDHAM EXPLORATION
P. O. BOX 1857
HATTIESBURG, MS 39401

2976

85-280/853

July 5, 19 84

PAY TO THE ORDER OF Walter L. Nixon, Jr. $428.56

The sum of $428 and 56 ct DOLLARS

A Great Southern National Bank
BANK of HATTIESBURG

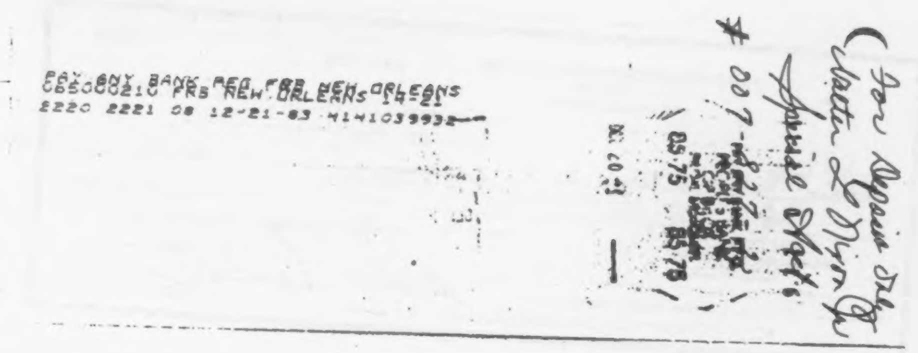
FOR Royalty Pymt. L. D. Ross

PAID
JUL 13 84

FAIRCHILD-WINDHAM EXPLORATION, 0777

Wiley Fairchild

⑈0002976⑈ ⑆065302808⑆ 620 121 4⑈ ⑈0000042856⑈

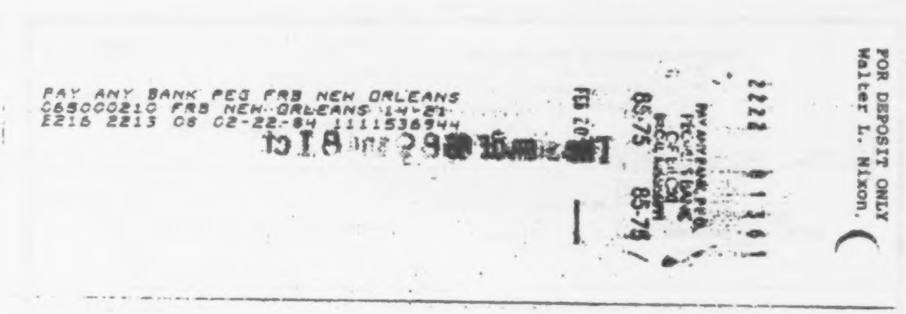


For Deposit Only
Walter L Nixon Jr
Special Acct.
007-827-2

PAY ANY BANK, PEG.
PEOPLES BANK
OF BILOXI
BILOXI, MISSISSIPPI
85-75 85-75

DEC 20 83

PAY ANY BANK PEG FRB NEW ORLEANS
C65000210 FRB NEW ORLEANS 14-21
2220 2221 08 12-21-83 4141039932



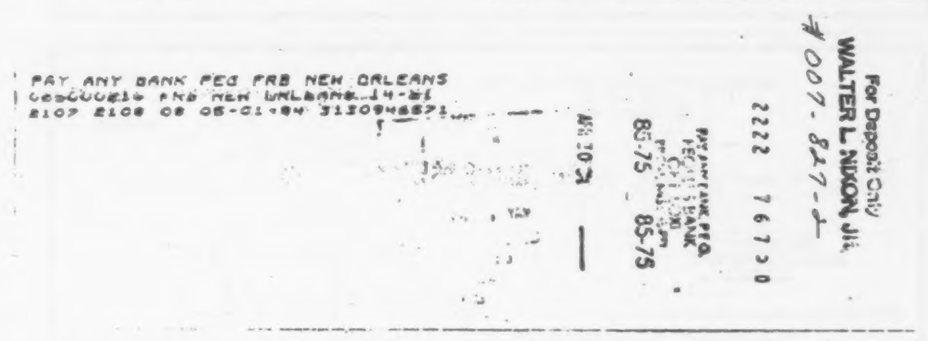
FOR DEPOSIT ONLY
Walter L. Nixon.

2222 81361

PAY ANY BANK, PEG.
PEOPLES BANK
OF BILOXI
BILOXI, MISSISSIPPI
85-75 85-75

FEB 20 84

PAY ANY BANK PEG FRB NEW ORLEANS
C65000210 FRB NEW ORLEANS 14-21
2216 2213 08 02-22-84 1111536944



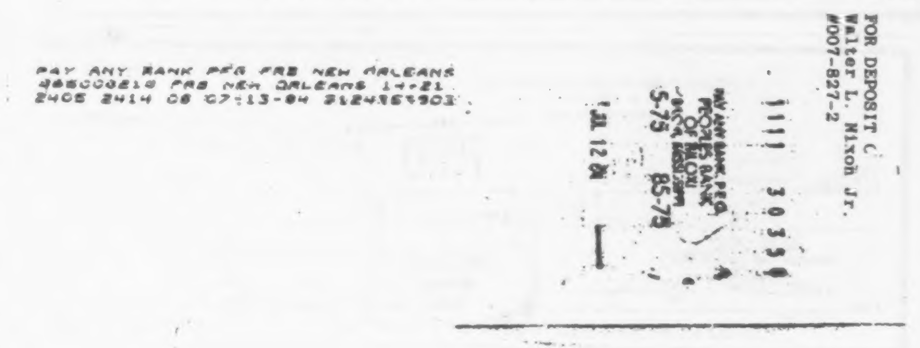
For Deposit Only
WALTER L. NIXON, JR.
#007-827-2

2222 76750

PAY ANY BANK, PEG.
PEOPLES BANK
OF BILOXI
BILOXI, MISSISSIPPI
85-75 85-75

APR 30 84

PAY ANY BANK PEG FRB NEW ORLEANS
C65000210 FRB NEW ORLEANS 14-21
2107 2108 08 05-01-84 3130946871



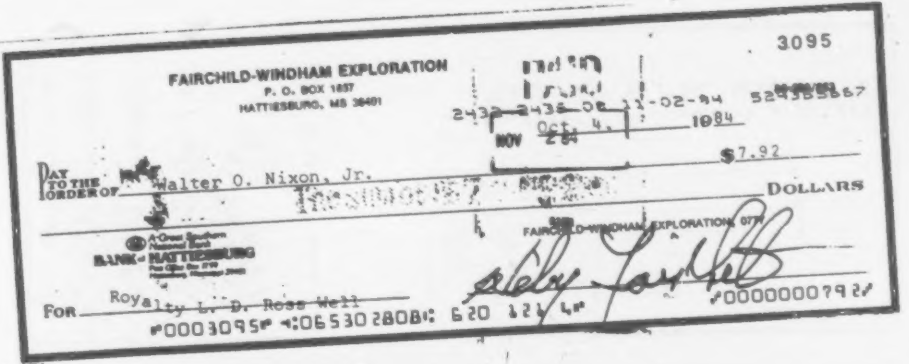
FOR DEPOSIT C
Walter L. Nixon Jr.
#007-827-2

1111 30350

PAY ANY BANK, PEG.
PEOPLES BANK
OF BILOXI
BILOXI, MISSISSIPPI
5-75 85-75

JUL 12 84

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
2405 2414 08 07-13-84 3124357903



FAIRCHILD-WINDHAM EXPLORATION
P. O. BOX 1857
HATTIESBURG, MS 39401

3095

2432 2436 08 11-02-84 524355567

Oct. 4, 1984

NOV 2 84

PAY TO THE ORDER OF Walter O. Nixon, Jr. $7.92

DOLLARS

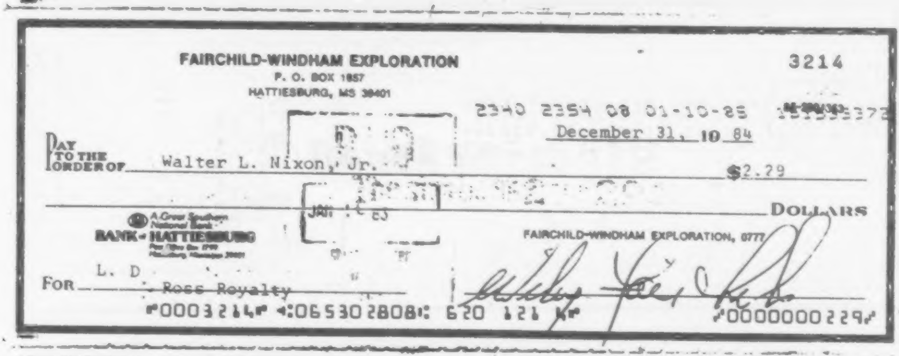
A Great Southern National Bank
BANK - HATTIESBURG

FAIRCHILD-WINDHAM EXPLORATION, 0777

Wiley Fairchild

FOR Royalty L. D. Ross Well

⑈0003095⑈ ⑆065302808⑆ 620 121 4⑈ ⑉0000000792⑉



FAIRCHILD-WINDHAM EXPLORATION
P. O. BOX 1857
HATTIESBURG, MS 39401

3214

2340 2354 08 01-10-85

December 31, 1984

PAID

JAN 2 85

PAY TO THE ORDER OF Walter L. Nixon, Jr. $2.29

DOLLARS

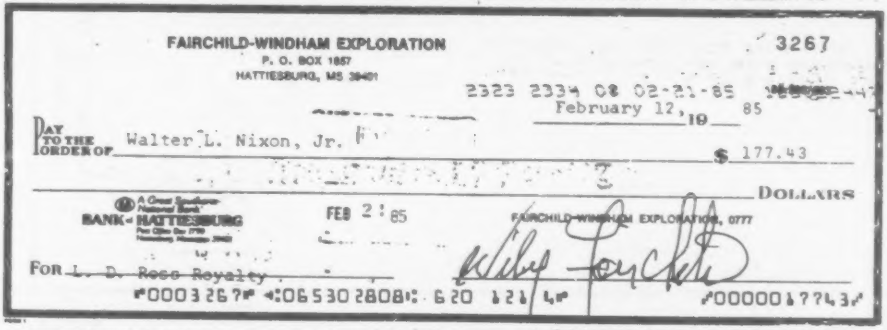
A Great Southern National Bank
BANK - HATTIESBURG

FAIRCHILD-WINDHAM EXPLORATION, 0777

Wiley Fairchild

FOR L. D. Ross Royalty

⑈0003214⑈ ⑆065302808⑆ 620 121 4⑈ ⑉0000000229⑉



FAIRCHILD-WINDHAM EXPLORATION
P. O. BOX 1857
HATTIESBURG, MS 39401

3267

2323 2334 08 02-21-85

February 12, 1985

PAY TO THE ORDER OF Walter L. Nixon, Jr. $ 177.43

DOLLARS

A Great Southern National Bank
BANK - HATTIESBURG

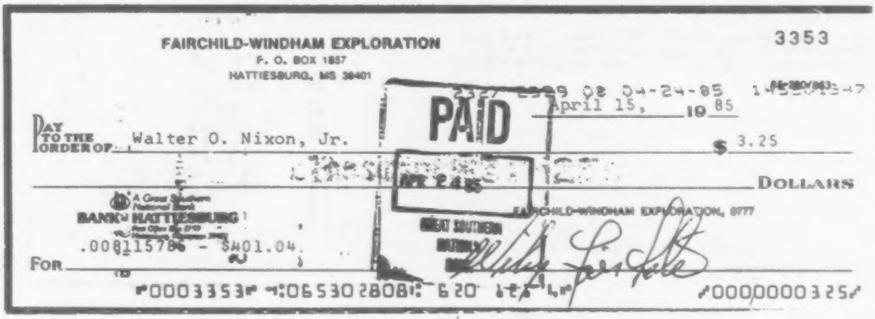
FEB 21 85

FAIRCHILD-WINDHAM EXPLORATION, 0777

Wiley Fairchild

FOR L. D. Ross Royalty

⑈0003267⑈ ⑆065302808⑆ 620 121 4⑈ ⑉0000017743⑉



FAIRCHILD-WINDHAM EXPLORATION
P. O. BOX 1857
HATTIESBURG, MS 39401

3353

2329 08 04-24-85

April 15, 1985

PAID

APR 24 85

GREAT SOUTHERN NATIONAL BANK

PAY TO THE ORDER OF Walter O. Nixon, Jr. $ 3.25

DOLLARS

A Great Southern National Bank
BANK - HATTIESBURG

FAIRCHILD-WINDHAM EXPLORATION, 0777

.00811578 - $401.04

Wiley Fairchild

FOR

⑈0003353⑈ ⑆065302808⑆ 620 121 4⑈ ⑉0000000325⑉

FOR DEPOSIT ONLY
Walter L. Nixon Jr
Special Account
007-02822 53029

PAY ANY BANK P.E.G.
PEOPLES BANK
BILOXI, MISSISSIPPI
85-75 85-75

NOV -1 '84

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
2432 2436 OS 11-02-84 524365687

FOR DEPOSIT ONLY
Walter L. Nixon, Jr.

3333 17819

PAY ANY BANK P.E.G.
THE
PEOPLES BANK
BILOXI, MISS.
85-75 85-75

JAN -9 '85

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
2340 2354 OS 01-10-85 161533372

FOR DEPOSIT ONLY
Walter L. Nixon, Jr.

3333 70042

PAY ANY BANK P.E.G.
THE
PEOPLES BANK
BILOXI, MISS.
85-75 85-75

FEB 20 '85

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
2323 2334 OS 02-21-85 166022447

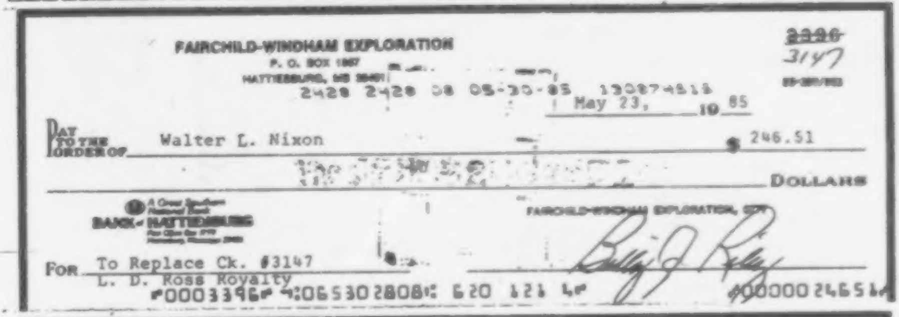
FOR DEPOSIT ONLY
Walter L. Nixon, Jr.

2222 [illegible]

PAY ANY BANK P.E.G.
PEOPLES BANK
85-75 85-75

APR 23 '85

PAY ANY BANK PEG FRB NEW ORLEANS
065000210 FRB NEW ORLEANS 14-21
2327 2329 OS 04-24-85 145201347



FAIRCHILD-WINDHAM EXPLORATION
P. O. BOX 1987
HATTIESBURG, MS 39401

~~3396~~
3147

2428 2428 08 05-30-85 130874815

May 23, 19 85

PAY TO THE ORDER OF Walter L. Nixon $ 246.51

[illegible] DOLLARS

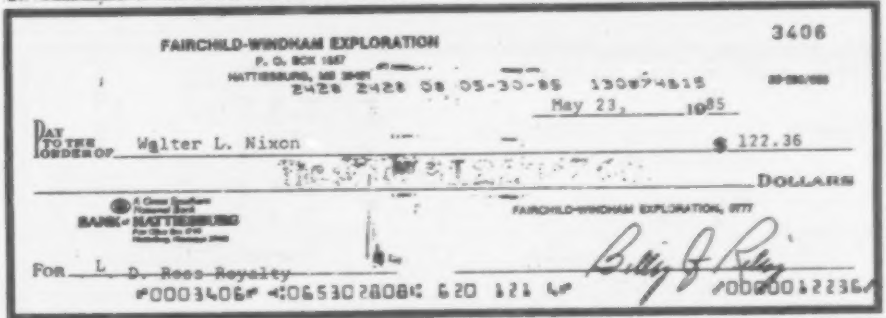
BANK of HATTIESBURG

FAIRCHILD-WINDHAM EXPLORATION

Billy J. Riley

FOR To Replace Ck. #3147
L. D. Ross Royalty

0003396 065302808 620 121 4 0000024651



FAIRCHILD-WINDHAM EXPLORATION
P. O. BOX 1987
HATTIESBURG, MS 39401

3406

2428 2428 08 05-30-85 130874815

May 23, 19 85

PAY TO THE ORDER OF Walter L. Nixon $ 122.36

[illegible] DOLLARS

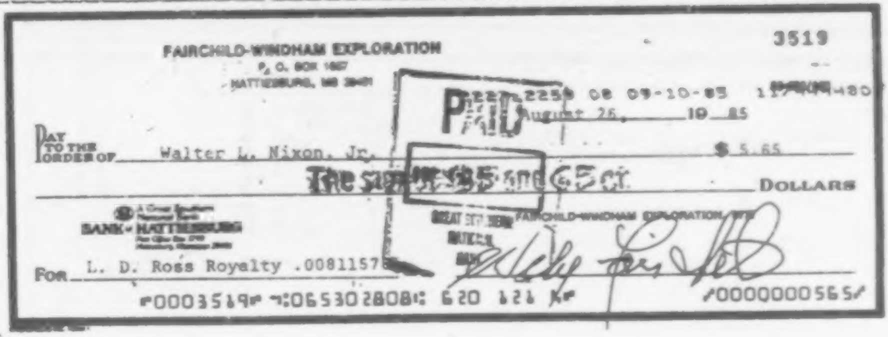
BANK of HATTIESBURG

FAIRCHILD-WINDHAM EXPLORATION

Billy J. Riley

FOR L. D. Ross Royalty

0003406 065302808 620 121 4 0000012236



FAIRCHILD-WINDHAM EXPLORATION
P. O. BOX 1987
HATTIESBURG, MS 39401

3519

PAID

2225 2225 08 09-10-85

August 26, 19 85

PAY TO THE ORDER OF Walter L. Nixon, Jr. $ 5.65

The sum of $5 and 65 ct. DOLLARS

BANK of HATTIESBURG

GREAT SOUTHERN

FAIRCHILD-WINDHAM EXPLORATION

FOR L. D. Ross Royalty .0081157

0003519 065302808 620 121 4 0000000565

EXHIBIT NO. C-19-EVID
CAUSE NO. H85-00012(L)
WITNESS Wiley Fairchild
PAGES 5

JAN 30 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
REPORTER

FOR DEPOSIT ONLY
Walter L. Nixon

PAY ANY BANK PEG FRB NEW ORLEANS
2428 2428 08 05-30-85 130874816

FOR DEPOSIT ONLY
Walter L. Nixon
4444 23490

PAY ANY BANK P.E.G.
THE
PEOPLES BANK
85-75 85-75

JAN 29 85

PAY ANY BANK PEG FRB NEW ORLEANS
2428 2428 08 05-30-85 130874816

FOR DEPOSIT ONLY
Walter L. Nixon, Jr.

1111 58760

PAY ANY BANK P.E.G.
THE
PEOPLES BANK
85-75 85-75

SEP -9 85

PAY ANY BANK PEG FRB NEW ORLEANS
065000029 FRB NEW ORLEANS LA 21
2227 2259 08 05-10-85 117444480

GOVERNMENT EXHIBIT 20

1982
APPOINTMENTS

A STANDARD DIARY PRODUCT
OF
WILSON JONES COMPANY

Stock No. 915

PRINTED IN U.S.A. © MCMLXXXII WILSON JONES COMPANY

1982 CALENDAR

JAN

SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEB

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

MAR

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

APR

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

MAY

SUN	MON	TUE	WED	THU	FRI	SAT
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

JUN

SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

JUL

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

AUG

SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

SEP

SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

OCT

SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

NOV

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

DEC

SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

1983 CALENDAR

JAN

SUN	MON	TUE	WED	THU	FRI	SAT
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

FEB

SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

MAR

SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

APR

SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

MAY

SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JUN

SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

JUL

SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

AUG

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

SEP

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

OCT

SUN	MON	TUE	WED	THU	FRI	SAT
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

NOV

SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

DEC

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

JANUARY
1
FRIDAY

JANUARY 1982

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY 1982

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
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14	15	16	17	18	19	20
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JANUARY
2
SATURDAY

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JANUARY
3
SUNDAY

JANUARY 1982

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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY 1982

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JANUARY
4
MONDAY

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9:30			9:30	
9:45		B	9:45	Jim Duke ✓
10:00			10:00	
10:15			10:15	
10:30		B	10:30	Don Medley ✓
10:45			10:45	
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12:00			12:00	
12:15			12:15	
12:30			12:30	
12:45			12:45	
1:00		B	1:00	Mr. Bryant ✓
1:15		B	1:15	Tracy Thomas ✓
1:30			1:30	
1:45			1:45	
2:00			2:00	
2:15			2:15	
2:30			2:30	
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JANUARY
5
TUESDAY

JANUARY 1982

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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY 1982

	1	2	3	4	5	6
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

8:00 Pay bills - B + Payroll ✓
8:15
8:30
8:45
9:00
9:15
B 9:30 Jeline Burch ✓
9:45
10:00
10:15
10:30
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11:00
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11:30
B 11:45 Evelyn Calhoun ✓
B 12:00 Mattie Holliman ✓
12:15
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B 2:00 E. L. Daughdrill ✓
2:15
2:30
2:45
B 3:00 Steve Graben ✓
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JANUARY
6
WEDNESDAY

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JANUARY
7
THURSDAY

JANUARY 1982

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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY 1982

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14	15	16	17	18	19	20
21	22	23	24	25	26	27
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JANUARY
8
FRIDAY

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B	12:00	J.W. Richardson ✓
B	12:15	Daisy Smith ✓
	12:30	
	12:45	
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B	2:30	P.W. Underwood ✓
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	9:00	Sentencing - Don Pickering ✓
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B	12:30	Bennie Evans ✓
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JANUARY
9
SATURDAY

JANUARY 1982

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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY 1982

	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
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JANUARY
10
SUNDAY

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JANUARY

11

MONDAY

JANUARY 1982

					1	2
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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY 1982

	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

JANUARY

12

TUESDAY

	8:00	Call Ray Gay ✓
	8:15	Bill - B ✓
	8:30	
	8:45	
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B	3:30	David Moore ✓
	3:45	
B	4:00	Carter Stamm ✓
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	8:00	Bank - Hanford ✓
	8:15	
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	8:45	
B	9:00	Mike McMahon ✓
	9:15	
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B	1:30	Mattie Hallman ✓
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JANUARY
13
WEDNESDAY

JANUARY 1982

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17	18	19	20	21	22	23
24	25	26	27	28	29	30
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FEBRUARY 1982

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14	15	16	17	18	19	20
21	22	23	24	25	26	27
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JANUARY
14
THURSDAY

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JANUARY
15
FRIDAY

JANUARY 1982

					1	2
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17	18	19	20	21	22	23
24	25	26	27	28	29	30
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FEBRUARY 1982

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14	15	16	17	18	19	20
21	22	23	24	25	26	27
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JANUARY
16
SATURDAY

8:00 [redacted]
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B 1:30 Naretha Kaylor ✓
B 1:45 Jimmy Havard ✓
2:00
2:15
2:30
2:45
B 3:00 Sam Wilkins ✓
3:15
3:30
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B 4:00 Wm. Hudson ✓
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JANUARY
17
SUNDAY

JANUARY 1982

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24	25	26	27	28	29	30
31						

FEBRUARY 1982

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21	22	23	24	25	26	27
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JANUARY
18
MONDAY ✓

8:00		8:00	Mike due - H bug ✓
8:15		8:15	
8:30		8:30	
8:45		B 8:45	Rev. Newsome ✓
9:00		9:00	
9:15		9:15	
9:30		9:30	
9:45		9:45	
10:00		B 10:00	Mrs. Sumlin ✓
10:15		B 10:15	Mrs. Green ✓
10:30		10:30	
10:45		10:45	
11:00		11:00	
11:15		11:15	
11:30		11:30	
11:45		11:45	
12:00		B 12:00	Mattie Dalliman ✓
12:15		12:15	
12:30		12:30	
12:45		12:45	
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3:45		3:45	
4:00		B 4:00	Cliff Lewis ✓
4:15		4:15	
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JANUARY
19
TUESDAY

JANUARY 1982

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FEBRUARY 1982

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JANUARY
20
WEDNESDAY

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11:15
11:30
11:45
B 12:00 Bonnie & Clyde's Greeting &
C 12:15 Jim Ray Orlen
C 12:30 Cliff
B 12:45 Hanford
1:00
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JANUARY
21
THURSDAY

JANUARY 1982

					1	2
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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY 1982

	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
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JANUARY
22
FRIDAY

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11:00
11:15
11:30
11:45
12:00 Betty ✓
12:15
12:30
12:45
B 1:00 Danfield ✓
B 1:15 Ben ✓
1:30
1:45
2:00
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2:30
2:45
3:00
3:15
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3:45
B 4:00 Don Medley ✓
4:15
4:30
4:45
5:00
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6:00
6:15
6:30
6:45
B 7:00 Explorers ✓
7:15
7:30
7:45
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9:45
B 10:00 Clarence Woods ✓
B 10:15 C.D. Johnson ✓
B 10:30 Narvetha Naylor ✓
10:45
11:00
11:15
11:30
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12:00
12:15
12:30
12:45
1:00
1:15
1:30
1:45
B 2:00 Count ✓
2:15
2:30
2:45
3:00
3:15
3:30
3:45
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JANUARY
23
SATURDAY

JANUARY 1982

SUN	MON	TUE	WED	THUR	FRI	SAT
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY 1982

SUN	MON	TUE	WED	THUR	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
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JANUARY
24
SUNDAY

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JANUARY
25
MONDAY

JANUARY 1982

					1	2
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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY 1982

	1	2	3	4	5	6
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
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JANUARY
26
TUESDAY

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1:15
1:30
1:45
2:00 Deposition - conf. room ✓
2:15
2:30
2:45
3:00
3:15
3:30
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8:00 [illegible]
8:15
8:30
8:45
9:00
9:15
9:30
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10:00
10:15
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10:45
11:00
11:15
11:30
11:45
12:00
12:15
12:30
12:45
B 1:00 Tommy Davis ✓
1:15
B 1:30 Lewis Hurley ✓
1:45
2:00
2:15
B 2:30 Mike SHELTON ✓
2:45
3:00
3:15
B 3:30 George Phillips ✓
3:45
4:00
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6:00
6:15
6:30
6:45
7:00
7:15
7:30
7:45
8:00
8:15 [illegible]!
8:30
8:45 [illegible]!
9:00 Bu[illegible]!
9:15
9:30
9:45

JANUARY
27
WEDNESDAY

Marshall Braddin ✓

JANUARY 1982

					1	2
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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY 1982

	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
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JANUARY
28
THURSDAY

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10:00	[redacted]	10:00	
10:15		10:15	
10:30		10:30	
10:45		10:45	
11:00		11:00	
11:15		11:15	
11:30		11:30	Ray Chrmied ✓
11:45		11:45	
12:00		12:00	
12:15		12:15	
12:30		12:30	
12:45		12:45	
1:00		1:00	
1:15		1:15	
1:30		1:30	
1:45		1:45	
2:00		2:00	
2:15		2:15	
2:30	[redacted]	2:30	
2:45		2:45	
3:00		3:00	
3:15		3:15	
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JANUARY
29
FRIDAY

JANUARY 1962

					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY 1962

	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
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JANUARY
30
SATURDAY

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JANUARY
31
SUNDAY

JANUARY 1982

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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY 1982

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FEBRUARY
1
MONDAY

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12:00		12:00	
12:15		12:15	
12:30		B 12:30	Mattie Halliman ✓
12:45		12:45	
1:00		1:00	
1:15		1:15	
1:30		1:30	
1:45		1:45	
2:00		B 2:00	Rodie Heidling ✓
2:15		2:15	
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FEBRUARY
2
TUESDAY

FEBRUARY 1982

	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
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MARCH 1982

	1	2	3	4	5	6
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

FEBRUARY
3
WEDNESDAY

	8:00	Local Govt. Day ✓
	8:15	
	8:30	
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	10:15	
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	11:00	
	11:15	
	11:30	
	11:45	
B	12:00	Speech - athlete - "The Art of Negotiations in Prof. Sports" ✓
	12:15	
	12:30	
	12:45	
	1:00	
	1:15	
J	1:30	Dr. Baker ✓
	1:45	
	2:00	
	2:15	
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FEBRUARY
4
THURSDAY

FEBRUARY 1982

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MARCH 1982

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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

FEBRUARY
5
FRIDAY

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3:00
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3:45
B 4:00 PW Underwood ✓
4:15
B 4:30 Edgar Buchanan ✓
4:45
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8:00
8:15
8:30 Call ABC ✓
8:45
9:00 Docket Call ✓
9:15
9:30
9:45
B 10:00 Bubba Brewer ✓
B 10:15 Tommy McDermitt —
10:30
10:45
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12:45
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3:15
B 3:30 Phil Stathand ✓
3:45
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FEBRUARY
6
SATURDAY

FEBRUARY 1982

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21	22	23	24	25	26	27
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MARCH 1982

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7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

FEBRUARY
7
SUNDAY

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8:45
9:00
9:15
9:30 ✓
9:45
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10:15
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10:45
11:00
11:15
11:30
11:45
12:00
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12:30
12:45
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FEBRUARY
8
MONDAY

FEBRUARY 1982

	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

MARCH 1982

	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

FEBRUARY
9
TUESDAY

B-Perry Co.

B-Perry Co.

8:00			8:00	Scout Govt Day ✓
8:15			8:15	
8:30			8:30	
8:45			8:45	
9:00			9:00	
9:15			9:15	
9:30			9:30	
9:45			9:45	
10:00			10:00	
10:15			10:15	
10:30			10:30	
10:45			10:45	
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11:45			11:45	
12:00			12:00	
12:15			12:15	
12:30			12:30	
12:45			12:45	
1:00			1:00	
1:15			1:15	
1:30	Bar Assn. - Cir Ct ✓	B	1:30	Sumlin
1:45			1:45	
2:00			2:00	
2:15			2:15	
2:30			2:30	
2:45			2:45	
3:00			3:00	
3:15			3:15	
3:30			3:30	
3:45			3:45	
4:00		B	4:00	Roy Lee
4:15			4:15	
4:30			4:30	
4:45			4:45	
5:00			5:00	
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FEBRUARY
10
WEDNESDAY

FEBRUARY 1982

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7	8	9	10	11	12	13
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MARCH 1982

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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

FEBRUARY
11
THURSDAY

	B-Lamar Co.		B-Lamar Co.
8:00	C.D. (U.B.) maton ✓	8:00	
8:15	→ Dr. Baker ✓	8:15	
8:30		8:30	
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11:45		11:45	
12:00		12:00	exchange club
12:15		12:15	
12:30		12:30	
12:45		12:45	
1:00		1:00	
1:15		1:15	
1:30		1:30	
1:45		1:45	HPD Awards ✓
2:00		B 2:00	Meeting - Chum ✓
2:15		2:15	
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FEBRUARY
12
FRIDAY Perry Co

FEBRUARY 1982

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MARCH 1982

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14	15	16	17	18	19	20
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28	29	30	31			

[redacted]

FEBRUARY
13
SATURDAY

8.00
8.15
J 8.30 Interview ✓
8.45
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2.15
B 2.30 Carroll Ingram ✓
B 2.45 Lillian Oates ✓
3.00
3.15
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4.30
4.45
5.00 Bill Carter's Office ✓
5.15
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FEBRUARY
14
SUNDAY

FEBRUARY 1982

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MARCH 1982

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FEBRUARY
15
MONDAY

Sunday 14		Monday 15	
8:00		8:00	
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9:45		9:45	
10:00		B 10:00	News conf. - Lamar Co. Tex
10:15		10:15	
10:30		10:30	
10:45		B 10:45	Jr. Agee ✓
11:00		B 11:00	Sam Bunch ✓
11:15		11:15	
11:30		11:30	
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12:00		12:00	
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12:30		12:30	
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2:45		2:45	
3:00		B 3:00	Tina Barnes ✓
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7:00		B 7:00	Main St. Bd. meeting ✓
7:15		7:15	
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JAUARY
16
TUESDAY

FEBRUARY 1982

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MARCH 1982

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FEBRUARY
17
WEDNESDAY

B-Perry Co.

8:00
8:15
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8:45
B 9:00 Rev. Tom Johnson ✓
B 9:15 Stewart Sargent ✓
B 9:30 Mr. Hatton ✓
B 9:45 Bob Olds ✓
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7:15
B 7:30 Blackburn. ✓
7:45
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9:45
10:00 Rita Johnson ✓
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FEBRUARY
18
THURSDAY

FEBRUARY 1982

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MARCH 1982

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FEBRUARY
19
FRIDAY

8:00
8:15 Call Gregg ✓
8:30
8:45 ~~[illegible]~~
9:00
B 9:15 Bob Ford ✓
9:30
9:45
10:00
10:15
B 10:30 Don Medley ✓
B 10:45 ~~[illegible]~~ Mc Donald ✓
11:00
11:15
11:30
11:45
J 12:00 Garden Club - Holiday Inn N. ✓
12:15
12:30
B 12:45 James Smith ✓
B 1:00 Marty Zimmerman ✓
B 1:15 George Bird ✓
1:30
1:45 ~~[illegible]~~
2:00
2:15
2:30
2:45
3:00
B 3:15 Tyrone Keyes ✓
3:30
3:45
B 4:00 1st MS. Nat. L Bank ✓
4:15
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8:45
B 9:00 Meg ✓
9:15
B 9:30 Jimmy Dale ✓ ✓
9:45
J 10:00 Drew Fairchild - 1215 Wind
10:15
10:30
10:45
11:00
11:15
11:30
11:45
J 12:00 Ahrens Company ✓
12:15
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FEBRUARY
20
SATURDAY

FEBRUARY 1982

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MARCH 1982

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FEBRUARY
21
SUNDAY

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12:45
1:00 Cash McCool
1:15
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FEBRUARY
22
MONDAY

FEBRUARY 1982

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MARCH 1982

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FEBRUARY
23
TUESDAY

8:00
8:15
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8:45
9:00
9:15
B 9:30 Meg ✓
B 9:45 Jr.
B 10:00 Gerald Chaney ✓
10:15
10:30
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1:15
B 1:30 Shirley Herring ✓
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J 8:00 Dr. Baker ✓
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11:00
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12:00
B 12:15 Jim Ray Owen ✓
12:30
12:45
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3:00
B 3:15 Rev. Williams ✓
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FEBRUARY
24
WEDNESDAY

B - Perry Co.

FEBRUARY 1982

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MARCH 1982

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FEBRUARY
25
THURSDAY

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9:00		9:00	Phil
9:15		9:15	
9:30		9:30	
9:45		9:45	
10:00		10:00	
10:15		10:15	B Mack Gibbons
10:30		10:30	
10:45		10:45	
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1:00		1:00	Bud
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FEBRUARY
26
FRIDAY

FEBRUARY 1982

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MARCH 1982

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FEBRUARY
27
SATURDAY

Jackson - Durr Conference B—

8:00	pick up clay ✓	8:00	
8:15		8:15	
8:30		8:30	
8:45		8:45	
9:00		9:00	
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10:00		10:00	
10:15		10:15	
10:30		10:30	
10:45		10:45	
11:00		11:00	
11:15	Dream Conference	11:15	
11:30		11:30	
11:45		11:45	
12:00		12:00	
12:15		12:15	
12:30		12:30	
12:45		12:45	
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3:15		3:15	
3:30		3:30	
3:45		3:45	
4:00	Pick up letter of credit	4:00	
4:15		4:15	
4:30		4:30	
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FEBRUARY

28

SUNDAY

FEBRUARY 1982

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MARCH 1982

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Dr. West
2645756

mw

MARCH

1

MONDAY

8-12 Law Enf. Academy

8:00		8:00	pick up letter of credit
8:15		8:15	
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MARCH
2
TUESDAY

Katie

~~[illegible] Enforcement~~

MARCH 1982

	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

APRIL 1982

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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

MARCH
3
WEDNESDAY

TUESDAY		WEDNESDAY	
8:00		8:00	
8:15		8:15	
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3:00		3:00	
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3:45		3:45	
B 4:00	Press Conf. - Bethesda ✓	4:00	
4:15		4:15	
4:30		4:30	
4:45		4:45	
5:00		5:00	
5:15		5:15	
5:30		5:30	
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MARCH
4
THURSDAY

MARCH 1982

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

APRIL 1982

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

MARCH
5
FRIDAY

Jim-camp

8:00		8:00	
8:15		8:15	
8:30		8:30	
8:45		8:45	
9:00		9:00	
9:15		9:15	
B 9:30	Don Bridwell 205 4765123 ✓	9:30	
9:45		9:45	
10:00		10:00	
10:15		10:15	
10:30		10:30	
10:45		10:45	
11:00		11:00	
11:15		11:15	
11:30		11:30	
11:45		11:45	
B 12:00	[illegible] ✓	12:00	
12:15		12:15	
12:30		12:30	
12:45		12:45	
1:00		1:00	
1:15		1:15	
1:30		1:30	
1:45		1:45	
B 2:00	Clift [illegible]	2:00	
2:15		2:15	
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2:45		2:45	
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4:00		4:00	
4:15		4:15	
4:30		4:30	
4:45		4:45	
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7:45		7:45	
8:00	Saenger	8:00	
8:15		8:15	
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MARCH
6
SATURDAY

Jim - camp

MARCH 1982						
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21	22	23	24	25	26	27
28	29	30	31			

APRIL 1982						
				1	2	3
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
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MARCH
7
SUNDAY

Jim - camp

Saturday	Sunday
8:00	8:00
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12:00	12:00
12:15	12:15
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12:45	12:45
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MARCH
8
MONDAY

MARCH 1982

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APRIL 1982

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11	12	13	14	15	16	17
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25	26	27	28	29	30	

MARCH
9
TUESDAY

8:00 Call Randy Johnson ✓
8:15 " K Hindell
8:30
8:45
B 9:00 Jim Dukes ✓
B 9:15 Robbie Taylor ✓
B 9:30 Randy Johnson ✓
9:45
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1:15
B 1:30 George Phillips ✓
1:45
2:00
2:15
2:30
2:45
B 3:00 Gene Walters ✓
3:15
B 3:30 [redacted]
3:45
4:00
4:15
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MARCH
10
WEDNESDAY

MARCH 1982

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21	22	23	24	25	26	27
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APRIL 1982

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MARCH
11
THURSDAY

	MARCH 10 WEDNESDAY		MARCH 11 THURSDAY
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12:15		12:15	
B 12:30	Mrs. Lentzel ✓	12:30	
B 12:45	Mr. Anderson ✓	12:45	
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5:15		5:15	
5:30		5:30	Sharon + Rust
5:45		5:45	
6:00		6:00	
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MARCH
12
FRIDAY

MARCH 1982
1 2 3 4 5 6
7 8 9 10 11 12 13
14 15 16 17 18 19 20
21 22 23 24 25 26 27
28 29 30 31

APRIL 1982
1 2 3
4 5 6 7 8 9 10
11 12 13 14 15 16 17
18 19 20 21 22 23 24
25 26 27 28 29 30

MARCH
13
SATURDAY

8:00
8:15
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10:00
B 10:15 Billy Ortis ✓
10:30
10:45
11:00
B 11:15 Raymond Howell ✓
11:30
11:45
12:00
12:15
12:30
12:45
B 1:00 Jim McCool ✓
1:15
B 1:30 Cliff Anderson ✓
B 1:45 Jill Dukes ✓
2:00
B 2:15 Jally Matthews ✓
2:30
B 2:45 Ben Williams ✓
3:00
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MARCH
14
SUNDAY

MARCH 1982

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APRIL 1982

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MARCH
15
MONDAY

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11:00	funeral ✓
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MARCH
16
TUESDAY

MARCH 1982

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21	22	23	24	25	26	27
28	29	30	31			

APRIL 1982

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18	19	20	21	22	23	24
25	26	27	28	29	30	

MARCH
17
WEDNESDAY

8:00
8:15
8:30
8:45
B 9:00 Jo Burch ✓
B 9:15 Raymond Howell ✓
9:30
9:45
10:00
10:15
10:30
10:45
11:00
11:15
11:30
11:45
12:00
12:15
B 12:30 Norman Wilson ✓
12:45
1:00
1:15
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9:30
B 9:45 Kenny Smith ✓
J 10:00 Jane Rigo Lame ✓
10:15
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A 4:00 JP Ct - New Arg. ✓
4:15
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4:45
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6:00 Cookout-Lyons
6:15
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MARCH
18
THURSDAY

MARCH 1982

	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

APRIL 1982

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11	12	13	14	15	16	17
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25	26	27	28	29	30	

MARCH
19
FRIDAY

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	11:45	
J	12:00	Garden Club - Johnson St. Park
	12:15	
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	8:00	
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B	8:30	Jr. Graham ✓
	8:45	
	9:00	
	9:15	
	9:30	
	9:45	
B	10:00	H'burg Clinic + policeman ✓
	10:15	
B	10:30	Raymond Howell ✓
B	10:45	Keith Dubose ✓
	11:00	
	11:15	
B	11:30	Darryl Shelton ✓
B	11:45	J. A. Woodward ✓
B	12:00	Judge Odom ✓
	12:15	
	12:30	
	12:45	
	1:00	
	1:15	
	1:30	
	1:45	
B	2:00	H'burg Clinic + policeman ✓
	2:15	
	2:30	
	2:45	
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MARCH
20
SATURDAY

MARCH 1982

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APRIL 1982

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MARCH
21
SUNDAY

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MARCH
22
MONDAY

MARCH 1982

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28	29	30	31			

APRIL 1982

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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

MARCH
23
TUESDAY

	MONDAY 22		TUESDAY 23
8:00	Y X ✓	8:00	
8:15	Call A.B.C. - Boris ✓	8:15	
8:30		8:30	
8:45		8:45	
9:00		9:00	
B 9:15	Capt. Simmons ✓	9:15	
B 9:30	~~Willie Renchie~~ ✓	B 9:30	Willie Renchie ✓
9:45		9:45	
10:00		10:00	
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11:30		11:30	
11:45		11:45	
12:00		B 12:00	Ray Guy ✓
B 12:15	Connie Ryals ✓	B 12:15	Beverly Guy ✓
12:30		B 12:30	Jan Anko ✓
12:45		12:45	
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MARCH
24
WEDNESDAY

MARCH 1982

	1	2	3	4	5	6
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

APRIL 1982

				1	2	3
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

[redacted] MARCH
25
THURSDAY

S - Birthday (B + C - Columbus)

	WEDNESDAY		THURSDAY
8:00	Close - Shadowood ✓	8:00	
8:15		8:15	
8:30		8:30	
8:45		8:45	
9:00		9:00	Mobile
9:15		9:15	
9:30		9:30	
9:45		9:45	
10:00		10:00	
10:15		10:15	
10:30		10:30	
10:45		10:45	
11:00		B 11:00	George Sekul ✓
11:15		11:15	
11:30		11:30	
11:45		11:45	
12:00		12:00	
12:15		12:15	
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12:45		12:45	
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1:45		1:45	
B 2:00	Tyrone Keyes ✓	2:00	
2:15		2:15	
2:30		2:30	
2:45		2:45	
3:00		3:00	
3:15		3:15	
3:30		3:30	
3:45		3:45	
B 4:00	Billie Parks ✓	4:00	
4:15		4:15	
4:30		4:30	
4:45		4:45	
5:00		5:00	
5:15		5:15	
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15

MARCH
26
FRIDAY

MARCH 1982

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28	29	30	31			

APRIL 1982

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11	12	13	14	15	16	17
18	19	20	21	22	23	24
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MARCH
27
SATURDAY

J. Labaum   Jim-camp   Jim-camp

	Friday, March 26		Saturday, March 27
8:00		8:00	
8:15		8:15	
8:30	(Boot) ✓	8:30	
8:45		8:45	
9:00		9:00	
9:15		9:15	
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12:00		12:00	
12:15	G J Foreman ✓	12:15	
12:30		12:30	
12:45		12:45	
1:00		1:00	
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1:30		1:30	
1:45		1:45	
B 2:00	Stuart Sargent ✓	2:00	
2:15		2:15	
B 2:30	Herbert Myers ✓	2:30	
B 2:45	Billy Mayes ✓	2:45	
3:00		3:00	
3:15		3:15	
3:30		3:30	
3:45	Carolyn Green ✓	3:45	
4:00		4:00	
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7:45		7:45	
8:00	Bonnie & Clydes ✓	8:00	
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MARCH
28
SUNDAY

MARCH 1982

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28	29	30	31			

APRIL 1982

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MARCH
29
MONDAY

~~[illegible]~~

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10:00		B	10:00	Bill King ✓
10:15			10:15	
10:30			10:30	
10:45			10:45	
11:00			11:00	
11:15			11:15	
11:30			11:30	
11:45			11:45	
12:00			12:00	
12:15			12:15	~~Lunch~~
12:30			12:30	~~with~~
12:45			12:45	~~[illegible]~~
1:00			1:00	
1:15			1:15	
1:30		B	1:30	T.V. station ✓
1:45			1:45	
2:00		B	2:00	Tracy Ezelle ✓
2:15			2:15	
2:30			2:30	
2:45			2:45	
3:00		B	3:00	Danforth Dixon ✓
3:15			3:15	
3:30			3:30	
3:45			3:45	
4:00		B	4:00	Crete Lowery ✓
4:15			4:15	
4:30			4:30	
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MARCH
30
TUESDAY

Hanford-tapes

MARCH 1982

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APRIL 1982

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MARCH
31
WEDNESDAY

Hanford-tapes
B-Richton

	March 30		March 31
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8:15		8:15	
8:30		8:30	
8:45		8:45	
9:00		9:00	
9:15		9:15	
9:30		9:30	B Zelime ✓
9:45		9:45	
10:00	J Dr Baker ✓	10:00	
10:15		10:15	
10:30		10:30	B Don Medley ✓
10:45		10:45	
11:00		11:00	
11:15		11:15	
11:30		11:30	B Tom Bate ✓
11:45	✓	11:45	
12:00	J Frank Lunn 2682300	12:00	
12:15		12:15	
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2:00		2:00	B Henry Jefferson ✓
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4:00	B Mr. Patterson ✓	4:00	
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APRIL
1
THURSDAY

APRIL 1982

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MAY 1982

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APRIL
2
FRIDAY

Studebaker - Jackson ✓

	Thursday, April 1			Friday, April 2
	8:00	Move in townhouse - leave ✓		8:00	leave ✓
	8:15			8:15	
	8:30			8:30	
	8:45			8:45	
	9:00		B	9:00	Alfred Lott ✓
	9:15		B	9:15	Mr. Mifon ✓
B	9:30	Jon Mark ✓	B	9:30	O'Neal ✓
B	9:45	D. J. Stewart ✓		9:45	
B	10:00	Johnny Davis ✓		10:00	
B	10:15	Raymond Howell ✓		10:15	
B	10:30	Bula Conway ✓		10:30	
B	10:45	Lawrence Watson ✓		10:45	
B	11:00	Ricky Jackson ✓		11:00	
B	11:15	Mac & Jacque Face ✓		11:15	
	11:30			11:30	
	11:45		B	11:45	Raymond Howell ✓
	12:00		B	12:00	Herb Ginsburg ✓
	12:15			12:15	
	12:30			12:30	
	12:45			12:45	
	1:00			1:00	
	1:15			1:15	
	1:30		B	1:30	[redacted]
	1:45			1:45	
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	4:00			4:00	[redacted]
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APRIL
3
SATURDAY

APRIL 1982

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MAY 1982

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APRIL
4
SUNDAY

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APRIL
5
MONDAY

7

APRIL 1982

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MAY 1982

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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

7

APRIL
6
TUESDAY

	8:00	P. Harrell	8:00	P. Harrell
	8:15	Zeline - Knap.	8:15	Zeline - Knap.
	8:30		8:30	
	8:45		8:45	
	9:00		9:00	
	9:15		9:15	
	9:30		9:30	
	9:45		9:45	
	10:00		10:00	
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	10:45		10:45	
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	11:30		11:30	
	11:45		11:45	
	12:00		12:00	
	12:15		12:15	
	12:30		12:30	
	12:45		12:45	
B	1:00	Judge Hall ✓	1:00	
	1:15		1:15	
B	1:30	John Boykin ✓	1:30	
B	1:45	Ray King ✓	1:45	
B	2:00	Sammy Wender ✓	2:00	
	2:15		2:15	
	2:30		2:30	
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	3:00		3:00	
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	4:15		4:15	
	4:30		4:30	
B	4:45	Rich Lambert ✓	4:45	
	5:00		5:00	
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	5:30		5:30	
	5:45		5:45	
	6:00		6:00	
	6:15		6:15	
	6:30		6:30	Cocktails ✓
	6:45		6:45	
	7:00		7:00	
	7:15		7:15	
	7:30		7:30	
	7:45		7:45	
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APRIL
7
WEDNESDAY

APRIL 1982

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MAY 1982

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23	24	25	26	27	28	29
30	31					

APRIL
8
THURSDAY

– sprinkl[illegible]syst camp –

	APRIL 7 WEDNESDAY		APRIL 8 THURSDAY
8:00	Jeline ✓	8:00	
8:15		8:15	
8:30		8:30	
8:45		8:45	
9:00		9:00	
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12:45		12:45	
B 1:00	Walter Crosby ✓	1:00	
B 1:15	Mary Louise Breland ✓	1:15	
B 1:30	Burt Williams ✓	1:30	
B 1:45	Charles Reed ✓	1:45	
2:00		2:00	
2:15		2:15	
2:30	2:15 Steve Dr. Granberg	2:30	
2:45		2:45	
3:00		B 3:00	Bill Person ✓
3:15		3:15	
3:30		3:30	
3:45		3:45	
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4:15		4:15	
4:30		B 4:30	Maurice Denton ✓
4:45		4:45	
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APRIL
9
FRIDAY

APRIL 1982

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MAY 1982

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APRIL
10
SATURDAY

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APRIL
11
SUNDAY

APRIL 1982

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MAY 1982

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APRIL
12
MONDAY

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8:00 Al. - call Alice ✓; Ed Peters ✓
8:15 Plummer - 2680-567 Rummel ✓
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B 12:00 Charles Reid ✓
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S 2:30 Dr. Branbury ✓
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APRIL
13
TUESDAY

APRIL 1982

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MAY 1982

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16	17	18	19	20	21	22
23	24	25	26	27	28	29
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APRIL
14
WEDNESDA

	APRIL 13 TUESDAY		APRIL 14 WEDNESDA
8:00		8:00	
8:15		8:15	
8:30		8:30	
8:45		8:45	
9:00		9:00	B Ron Smith ✓
9:15		9:15	
9:30	B Johnnie Ruth Dukes ✓	9:30	
9:45		9:45	✓
10:00		10:00	
10:15		10:15	B Mrs. O'Neal 504 643 7268
10:30		10:30	504 641 4720
10:45		10:45	
11:00		11:00	
11:15		11:15	
11:30		11:30	
11:45		11:45	
12:00		12:00	Call P. Harrell ✓
12:15		12:15	
12:30		12:30	
12:45		12:45	
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1:15		1:15	
1:30		1:30	
1:45		1:45	B Wayne Riddett ✓
2:00		2:00	
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APRIL
15
THURSDAY

APRIL 1982

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MAY 1982

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APRIL
16
FRIDAY

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A 10:00 Rich Lambert ✓
C 10:15 James Rahaim ✓
B 10:30 Cliff Anderson ✓
10:45
11:00
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11:45
J 12:00 Garden Club - Dillon Grant ✓
12:15
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Jim - camp

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10:00 L. Schlattman - Hulett-Winstead ✓
10:15
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10:45
11:00 order tree ✓
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B 7:00 Quail supper
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APRIL
17
SATURDAY
Jim camp

APRIL 1982

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MAY 1982

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APRIL
18
SUNDAY

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APRIL
19
MONDAY

APRIL 1982

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18	19	20	21	22	23	24
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MAY 1982

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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

APRIL
20
TUESDAY

	8:00		J	8:00	Dr. Baker ✓
	8:15			8:15	
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B	11:00	John Lee + Bill Russell ✓		11:00	
	11:15			11:15	
	11:30			11:30	
	11:45			11:45	
	12:00			12:00	
B	12:15	Randy Thomas ✓		12:15	
	12:30			12:30	
	12:45			12:45	
B	1:00	Mr. + Mrs. Miley – Jeffrey ✓		1:00	
	1:15			1:15	
	1:30			1:30	
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B	3:00	Rhonda Byrd ✓		3:00	
	3:15			3:15	
B	3:30	Joe Dawson ✓		3:30	
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APRIL
21
WEDNESDAY

APRIL 1982

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MAY 1982

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16	17	18	19	20	21	22
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APRIL
22
THURSDAY

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	11:00		11:00	
5	11:15	Dr. Granberry ✓	11:15	
	11:30		11:30	
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	3:15	pickup Jone ✓	3:15	
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APRIL
23
FRIDAY

APRIL 1982

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MAY 1982

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16	17	18	19	20	21	22
23	24	25	26	27	28	29
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APRIL
24
SATURDAY

Amy ✓

8:00
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9:00 Andrew Harris Mation ✓
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APRIL
25
SUNDAY

APRIL 1982

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MAY 1982

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16	17	18	19	20	21	22
23	24	25	26	27	28	29
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APRIL
26
MONDAY

Sunday, April 25		Monday, April 26		
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9:45			9:45	
10:00		B	10:00	Hallie ✓
10:15		B	10:15	Ron Baylin ✓
10:30		B	10:30	Kenny Smith ✓
10:45		B	10:45	Janet Braswell ✓
11:00		B	11:00	Billy Donovan ✓
11:15		B	11:15	Davey Mattison ✓
11:30		B	11:30	Bill Durham ✓
11:45			11:45	
12:00			12:00	
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12:45			12:45	
1:00		B	1:00	Mr. King ✓
1:15			1:15	
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3:00		B	3:00	Hallie Payton ✓
3:15			3:15	
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APRIL
27
TUESDAY

APRIL 1982
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18 19 20 21 22 23 24
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MAY 1982
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APRIL
28
WEDNESDAY

Time	April 27	Time	April 28
8:00		8:00	
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B 9:15	Robbie Taylor ✓	9:15	
9:30		9:30	✓
B 9:45	Al Pittman ✓	9:45	
10:00		B 10:00	Don Rodgers (ie: Bill Mad
10:15		B 10:15	Alice Nat ✓
10:30		B 10:30	Dempsey Lawley ✓
10:45		B 10:45	Jon Ralph Weathers ✓
11:00		11:00	
B 11:15	Lewis Myrick ✓	11:15	
11:30		11:30	
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12:15		12:15	
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1:30		1:30	[redacted]
1:45		1:45	
2:00		B 2:00	Ricky Floyd ✓
2:15		B 2:15	Sammy Winder ✓
2:30		B 2:30	John Fox ✓
2:45		2:45	
3:00		3:00	
3:15		3:15	
3:30		B 3:30	Julie Matthews ✓
3:45		3:45	
4:00		4:00	
4:15		4:15	
4:30		B 4:30	Charlie Clark ✓
4:45		4:45	
5:00		5:00	
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5:30		5:30	
5:45		B 5:45	Davey Sellers ✓
6:00		6:00	
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6:45		6:45	
7:00		B 7:00	Prayer Meeting
7:15		7:15	
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APRIL
29
THURSDAY

APRIL 1982

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MAY 1982

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APRIL
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FRIDAY

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Mike	10:00	Dr. Bradley
B	10:15	Paul McMullen ✓
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B	2:00	Sally Matthews ✓
	2:15	
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Steve	3:30	Dr. Bradley ✓
	3:45	
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7:00	Peddler's Inn
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7:30	B
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MAY
1
SATURDAY

MAY 1982

						1
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
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JUNE 1982

		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
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MAY
2
SUNDAY

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MAY
3
MONDAY

MAY 1982

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JUNE 1982

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MAY
4
TUESDAY

8:00
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10:15
10:30
B 10:45 Paul McMullen ✓
M 11:00 Dr. Bradley ✓
11:15
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11:45
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12:45
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1:45
2:00
2:15
B 2:30 Ron Baylis + Bill McSwain ✓
B 2:45 Marion Harvey ✓
3:00
3:15
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5:00
5:15
5:30
5:45
6:00 Jim Dukes ✓
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11:45
12:00 Sift - Weldy ✓
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MAY
5
WEDNESDAY

Dieris ✓

MAY 1982

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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

JUNE 1982

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MAY
6
THURSDAY

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MAY
7
FRIDAY

MAY 1982

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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

JUNE 1982

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6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

MAY
8
SATURDAY

	8:00		8:00	
	8:15		8:15	
	8:30		8:30	
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	9:00		9:00	
	9:15		9:15	
	9:30		9:30	
	9:45		9:45	
B	10:00	Randy Johnson ✓	10:00	
	10:15		10:15	
	10:30		10:30	
	10:45		10:45	
B	11:00	Ricky Jackson ✓	11:00	
	11:15		11:15	
	11:30		11:30	
	11:45		11:45	
	12:00	Helms ✓	12:00	
	12:15		12:15	
	12:30		12:30	
	12:45		12:45	
B	1:00	Sal Perrone ✓	1:00	
B	1:15	Randy Johnson ✓	1:15	
	1:30	DON HORNE - So. West ✓	1:30	
	1:45		1:45	
	2:00		2:00	
	2:15		2:15	
B	2:30	Don Gordon ✓	2:30	
B	2:45	Rev. Gray ✓	2:45	
	3:00		3:00	
	3:15		3:15	
	3:30		3:30	
	3:45		3:45	
	4:00		4:00	
	4:15		4:15	
	4:30		4:30	
	4:45		4:45	
B	5:00	Milton - Jim & Jim	5:00	
	5:15	Jo Anne & Ziggy	5:15	
	5:30		5:30	
	5:45		5:45	
	6:00	pick up food	6:00	
	6:15		6:15	
	6:30		6:30	
	6:45		6:45	
	7:00	Phi Mu Party (100 or 120)	7:00	
	7:15		7:15	
	7:30	Sausage ball ✓	7:30	
	7:45	cheese & crackers ✓	7:45	
	(8:00)	pot. chips - dips ✓	8:00	
	8:15	vegetable tray ✓	8:15	
	8:30	fried vegetables ✓	8:30	
	8:45		8:45	
	9:00		9:00	
	9:15		9:15	
	9:30		9:30	
	9:45		9:45	

MAY
9
SUNDAY

MAY 1982

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JUNE 1982

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27	28	29	30			

MAY
10
MONDAY

depositions ✓

8:00		8:00	suits - milton ✓
8:15		8:15	radio ✓
8:30		8:30	
8:45		8:45	
9:00		B 9:00	Bruce Rogan ✓
9:15		B 9:15	Randy Johnson ✓
9:30		9:30	
9:45		9:45	
10:00		10:00	
10:15		10:15	
10:30		—10:30	start ✓
10:45		10:45	
11:00		—11:00	
11:15		11:15	
11:30		11:30	
11:45		11:45	
12:00		12:00	
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5:30		5:30	
5:45		5:45	
6:00		6:00	
6:15		6:15	
6:30		B 6:30	Main St. Methodist
6:45		6:45	
7:00		7:00	
7:15		7:15	
7:30		7:30	
7:45		7:45	
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9:45		9:45	

11
TUESDAY

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16	17	18	19	20	21	22
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30	31					

JUNE 1982

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6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

MAY
12
WEDNESDAY

[redacted]

8:00
8:15 get town lawn cleaned ✓
8:30 radio ✓
8:45
9:00
B 9:15 Carl Goff ✓
B 9:30 Jim Dykes ✓
B 9:45 Raymond Small ✓
10:00
10:15
10:30
10:45
11:00
11:15
11:30
11:45
B 12:00 John Fourcade ✓
12:15
12:30
12:45
B 1:00 Ike Thrash ✓
1:15
1:30
1:45
B 2:00 Ron Baylin ✓
2:15
2:30
B 2:45 Mike McMahon ✓
3:00
3:15
B 3:30 Robert Rallings ✓
3:45
4:00
4:15
B 4:30 Priscilla Mage ✓
B 4:45 Tom Bass ✓
B 5:00 Reed Roberts ✓
5:15
5:30
5:45
6:00
6:15
6:30 Wild Life supper ✓
6:45
7:00
7:15
7:30
7:45
8:00
8:15
8:30
8:45
9:00
9:15
9:30
9:45

Crawfish ✓
J 8:00 Dr. Baker ✓
8:15 radio
8:30
8:45
9:00
9:15
9:30
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10:00
10:15
10:30
10:45
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4:00
4:15
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4:45
5:00
5:15
5:30
5:45
6:00
6:15
6:30
6:45 Wine + Cheese
7:00
7:15
7:30
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9:45

15
SATURDAY

MAY 1982

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16	17	18	19	20	21	22
23	24	25	26	27	28	29
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JUNE 1982

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13	14	15	16	17	18	19
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27	28	29	30			

MAY
16
SUNDAY

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12:15		12:15	
12:30		12:30	
12:45		12:45	
1:00		1:00	Trudy
1:15		1:15	
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MAY
17
MONDAY

MAY 1982

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2 3 4 5 6 7 8
9 10 11 12 13 14 15
16 17 18 19 20 21 22
23 24 25 26 27 28 29
30 31

JUNE 1982

1 2 3 4 5
6 7 8 9 10 11 12
13 14 15 16 17 18 19
20 21 22 23 24 25 26
27 28 29 30

MAY
18
TUESDAY

8:00	Townhouse ✓	8:00	Townhouse
8:15	radio ✓	8:15	radio
8:30		8:30	
8:45		8:45	
9:00		9:00	
9:15		9:15	
5 9:30	Dr. Granberry ✓	9:30	
9:45		9:45	
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10:15		10:15	
10:30		10:30	
10:45		10:45	
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MAY 1982

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JUNE 1982

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19
WEDNESDAY

8:00 town house
8:15 radio
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MAY
20
THURSDAY

8:00 Ctr-Vandiman ✓
8:15
8:30
8:45
9:00
9:15
9:30
9:45
10:00
10:15
10:30
10:45
B 11:00 Pluckey ✓
11:15
11:30
11:45
12:00 garden club ✓
12:15
B 12:30 Naratha ✓
12:45
B. 1:00 P.W. Underwood ✓
1:15
B 1:30 Bennie Rankin ✓
B 1:45 Joyce Smith ✓
2:00
2:15
2:30
2:45
B 3:00 James Rahaim ✓
3:15
3:30
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MAY
21
FRIDAY

MAY 1982

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2 3 4 5 6 7 8
9 10 11 12 13 14 15
16 17 18 19 20 21 22
23 24 25 26 27 28 29
30 31

JUNE 1982

1 2 3 4 5
6 7 8 9 10 11 12
13 14 15 16 17 18 19
20 21 22 23 24 25 26
27 28 29 30

MAY
22
SATURDAY

E

8:00 radio ✓
8:15
8:30
8:45
9:00
9:15
9:30
9:45
10:00
B 10:15 Joe Zuggle ✓
10:30
10:45
B 11:00 Damp Cook ✓
11:15
11:30
11:45
12:00
12:15
12:30
12:45
B 1:00 Dr. ✓
B 1:15 Danny 2 Arrows ✓
1:30
1:45
B 2:00 ~~[illegible]~~ Fed. Bldg. - M. Bruzzale ✓
2:15
2:30
2:45
3:00
3:15
3:30
3:45
B 4:00 NO ✓
4:15
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2:00 Softball Contest
2:15 Thiele Field
2:30 Oak Grove Lions Club
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MAY
23
SUNDAY

MAY 1982

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JUNE 1982

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MAY
24
MONDAY

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	8:00	
	8:15	Book - Joe Townhouse ✓
	8:30	radio
	8:45	
B	9:00	Mr. Smith ✓
	9:15	
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	9:45	
B	10:00	Wes Peters ✓
	10:15	
	10:30	
	10:45	
B	11:00	Jim Dukes ✓
	11:15	
	11:30	
	11:45	
B	12:00	Drug Ed. Council ✓
	12:15	Southernaire
	12:30	
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B	1:15	Tyrone Keyes ✓
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B	3:00	Reggie Collier ✓
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B	5:00	Entema ✓
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MAY
25
TUESDAY

Country ✓

MAY 1982

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30	31					

JUNE 1982

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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

MAY
26
WEDNESDAY

Memphis

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1:30	Lafayette	1:30	
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6:30	Fish Fry	6:30	
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MAY 1982

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JUNE 1982

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27
THURSDAY
Memphis

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J 12:00	Patti Kimbrough ✓
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MAY
28
FRIDAY
Memphis

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7:30	Beth Weldy
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MAY
29
SATURDAY

Memphi

MAY 1982

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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

JUNE 1982

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6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
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MAY
30
SUNDAY

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MAY
31
MONDAY

MAY 1982

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16	17	18	19	20	21	22
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JUNE 1982

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20	21	22	23	24	25	26
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JUNE
1
TUESDAY

8:00			8:00	see about Fred Conte - ✓
8:15			8:15	Voucher
8:30			8:30	
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9:00			9:00	
9:15			9:15	
9:30			9:30	
9:45			9:45	
10:00			10:00	
10:15			10:15	Have written not sup. conv. mag. ✓
10:30			10:30	picture - group
10:45			10:45	
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12:45			12:45	
1:00		B	1:00	Lillie Wade ✓
1:15		B	1:15	James Rahim ✓
1:30		B	1:30	Levi Millsaps ✓
1:45			1:45	
2:00		B	2:00	Vaughn Wilson ✓
2:15			2:15	
2:30			2:30	
2:45			2:45	
3:00		B	3:00	Sydney Dimster ✓
3:15		B	3:15	Nareacha Naylor ✓
3:30			3:30	
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JUNE
2
WEDNESDAY

JUNE 1982

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27	28	29	30			

JULY 1982

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18	19	20	21	22	23	24
25	26	27	28	29	30	31

JUNE
3
THURSDAY

8:00 Jackson
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1:15
D 1:30 Doug Vardaman ✓
1:45
2:00
2:15
2:30
2:45
B 3:00 Dancy Sellers ✓
B 3:15 Ike Thrash ✓
B 3:30 Jim Thomas ✓
3:45
4:00
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8:00
8:15
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8:45
B 9:00 Annie Carter ✓
B 9:15 Carline Hart ✓
9:30
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11:00
11:15
11:30
11:45
12:00
12:15
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12:45
D 1:00 Paul ✓
1:15
1:30
1:45
2:00
2:15
2:30
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3:00
3:15
3:30
3:45
B 4:00 Tal Duell ✓
B 4:15 Bill Porter ✓
4:30
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JUNE
4
FRIDAY

JUNE 1982

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JULY 1982

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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Will Denton
hams

Bill Walker

JUNE
5
SATURDAY

Pick up puppies

8:00 Gift - Stuart
8:15
8:30
8:45
9:00
9:15
9:30
9:45
D 10:00 Jim Thomas ✓
10:15
10:30
10:45
D 11:00 Cliff Anderson ✓
11:15
11:30
11:45
12:00
D 12:15 Bob Hill ✓
12:30
12:45
1:00
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1:30
1:45
2:00
2:15
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2:45
D 3:00 R. D. Bethley ✓
3:15
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JUNE
6
SUNDAY

JUNE 1982

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JULY 1982

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JUNE
7
MONDAY

New Orleans

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2657

8
TUESDAY

JUNE 1982

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27	28	29	30			

JULY 1982

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18	19	20	21	22	23	24
25	26	27	28	29	30	31

JUNE
9
WEDNESDAY

8:00 Tre & Cooty
8:15 Gift - McKaw ✓
8:30
8:45
9:00
9:15
B 9:30 Tom Bate ✓
9:45
10:00
10:15
10:30
10:45
B 11:00 Marvin Harvey ✓
11:15
11:30
11:45
B 12:00 Jim Ray Allen ✓
12:15
12:30
12:45
B 1:00 Ike Shroat ✓
1:15
1:30
1:45
B 2:00 Rabbit Daniels ✓
2:15
2:30
2:45
B 3:00 Dr. Beech ✓
3:15
3:30
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9:00
B 9:15 Pluky ✓
9:30
B 9:45 Shirley Anderson
10:00
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4:00
4:15
B 4:30 W. Pine St ✓
4:45 food & BC.
5:00 party – Bill
5:15
5:30
5:45
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JUNE
10
THURSDAY

JUNE 1982

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20	21	22	23	24	25	26
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JULY 1982

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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

JUNE
11
FRIDAY

	8:00	
	8:15	
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	8:45	
	9:00	
	9:15	
B	9:30	Jimmy Dale ✓
B	9:45	Ollie Shreak ✓
B	10:00	Officer Eaton ✓
	10:15	
	10:30	
	10:45	
	11:00	
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	1:45	
B	2:00	Kenny Smith ✓
B	2:15	Al Shiyon ✓
B	2:30	Fred Cook ✓
B	2:45	Reggie Collins ✓
	3:00	
	3:15	
	3:30	
	3:45	
B	4:00	Rodie Herdelberg ✓
	4:15	
	4:30	
	4:45	
	5:00	
	5:15	
	5:30	
	5:45	
	6:00	
	6:15	
	6:30	
	6:45	✓
B	7:00	Legal Problems of Adolescent Sexuality
	7:15	Jo Linn Stearns 2664829
	7:30	
	7:45	
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B	9:00	Clyde McCoy – U.S. Custom
	9:15	Mike Tyson – MSB ✓
	9:30	Kenneth Watkins – Tenn. ✓
	9:45	
B	10:00	Jr. ✓
	10:15	
B	10:30	Tom Bates ✓
	10:45	
	11:00	
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B	3:00	Robert Miller
	3:15	
	3:30	
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JUNE
12
SATURDAY

JUNE 1982

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JULY 1982

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JUNE
13
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15
TUESDAY

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B 10:00 Emery Burch, III ✓
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B 5:00 The Thrash ✓
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JUNE
16
WEDNESDAY

JUNE 1982

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JULY 1982

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JUNE
17
THURSDAY

WEDNESDAY 16		THURSDAY 17	
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2662

JUNE
18
FRIDAY

JUNE 1982

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JULY 1982

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JUNE
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JUNE
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SUNDAY

JUNE 1982

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JULY 1982

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JUNE
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B 10:00 Don Butler & Bob Evans ✓
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B 2:00 Jerry Evans ✓
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B 3:00 Ray Priscillo
B 3:15 Lowery Woodall, Jr. ✓
B 3:30 Trudie ✓
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B 4:45 Maurice Dantin ✓
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JUNE
22
TUESDAY

Hazlehurst ✓

JUNE 1982

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JULY 1982

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JUNE
23
WEDNESDAY

8:00		8:00	
8:15		8:15	
8:30		B 8:30	Bruce Rogers ✓
8:45		B 8:45	Sammie Thompson ✓
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10:00		B 10:00	Bus Cooke ✓
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10:45		B 10:45	Bill Porter ✓
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B 4:00	Jim Dukes ✓	4:00	
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JUNE
24
THURSDAY

JUNE 1982

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JULY 1982

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JUNE
25
FRIDAY

	8:00	
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B	8:30	Ike Thrash ✓
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B	9:30	Jim Dukes ✓
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B	2:30	Judge Nixon ✓
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B	9:00	Sidney Barrycane ✓
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B	10:30	Hardy McInnis ✓
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B	2:00	Marvin Breazeale ✓
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B	2:30	Mickey Montgomery ✓
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B	3:45	Jan Mark ✓
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JUNE
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JUNE
27
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JUNE 1982

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JULY 1982

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JUNE 28 MONDAY

8:00 legal dis - townhouse
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B 9:45 Ed Morgan ✓
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B 11:30 Rachel Lubitz ✓
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B 1:00 Morgan Guess ✓
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B 3:00 Vaquez Ahmed ✓
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B 4:45 Narcotta Naifer ✓
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JUNE 29 TUESDAY

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B 3:00 Warren Welch ✓
B 3:15 Don Reese ✓
B 3:30 Freddie Williams ✓
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JUNE
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WEDNESDAY

JUNE 1982

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JULY 1982

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JULY
P.C. 90.62
1
THURSDAY

letter - Kaye ✓ PC ✓ Jimmie

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B 10:00	T.V. Station ✓	10:00	
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B 11:00	P.W. Underwood ✓	B 11:00	Phil Chance ✓
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B 12:00	Pluhie ✓	12:00	
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B 12:45	Jerry Evans ✓	12:45	
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B 4:00	1st Ms. Nat'l ✓	4:00	
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B 4:30	Mickey, Lee, James ✓	4:30	
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JULY

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FRIDAY

JULY 1982

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AUGUST 1982

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JULY

3

SATURDAY

voucher - Bud Jim - camp

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Jim - camp

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JULY

4

SUNDAY Jim - camp

JULY 1982

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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

AUGUST 1982

1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JULY

5

MONDAY

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JULY
6
TUESDAY

JULY 1982

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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

AUGUST 1982

1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JULY
7
WEDNESDAY

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B	10:15	Linda's mother ✓
B	10:30	Mike ✓
B	10:45	Nasrocha ✓
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B	1:15	Mr. Greenwood ✓
B	1:30	Judy Peebles ✓
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B	3:00	Raymond Howell ✓
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B	8:30	Plunkin ✓
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B	9:30	Margaret O'Neal ✓
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B	1:00	Stuart Sargent ✓
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	4:00	Rick Lambert
	4:15	
B	4:30	Hallie Payton ✓
B	4:45	Gilbert Bolton ✓
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JULY
8
THURSDAY
Kaye 9.30 ✓

JULY 1982						
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18	19	20	21	22	23	24
25	26	27	28	29	30	31

AUGUST 1982						
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8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JULY
9
FRIDAY

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B 11:00 Mrs. Raby ✓
B 11:15 Mrs. Woodard ✓
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B 12:15 Iris Johnson ✓
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JULY
10
SATURDAY

JULY 1982

SUN	MON	TUE	WED	THUR	FRI	SAT
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4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

AUGUST 1982

SUN	MON	TUE	WED	THUR	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JULY
11
SUNDAY

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8 30	8 30
8 45	8 45
9 00	9 00
9 15	9 15
9 30	9 30
9 45	9 45
10 00	10 00
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10 30	10 30
10 45	10 45
11 00	11 00
11 15	11 15
11 30	11 30
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8 45	8 45
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9 30	9 30
9 45	9 45

JULY
12
MONDAY

Circuit ct ✓

JULY 1982
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4 5 6 7 8 9 10
11 12 13 14 15 16 17
18 19 20 21 22 23 24
25 26 27 28 29 30 31

AUGUST 1982
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8 9 10 11 12 13 14
15 16 17 18 19 20 21
22 23 24 25 26 27 28
29 30 31

13
TUES.

pay raise rate ✓

	MONDAY		TUES.
8:00		8:00	
8:15		8:15	
8:30		8:30	
B 8:45	Plukie ✓	8:45	
9:00		9:00	
B 9:15	James Halder ✓	9:15	
9:30		9:30	
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B 11:30	Robert Latt ✓	11:30	
11:45		11:45	
12:00		12:00	
12:15		12:15	
12:30		12:30	
12:45		12:45	
1:00		1:00	
B 1:15	Bill Bush ✓	1:15	
1:30		1:30	
1:45		1:45	
B 2:00	Jerry Ripley ✓	2:00	
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JULY
14
WEDNESDAY

JULY 1982

SUN	MON	TUE	WED	THUR	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

AUGUST 1982

SUN	MON	TUE	WED	THUR	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JULY
15
THURSDAY

Cleaners ✓

JULY 14 WEDNESDAY

	8 00	
	8 15	
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B	2 00	Charlie Smith ✓
	2 15	
	2 30	
	2 45	
B	3 00	Verton ✓
	3 15	
	3 30	
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JULY 15 THURSDAY

	8 00	
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B	9 00	Plutie ✓
	9 15	
	9 30	
B	9 45	Linda Jackson ✓
	10 00	
B	10 15	Vaughn Wilson ✓
	10 30	
	10 45	
	11 00	
	11 15	
	11 30	
	11 45	
	12 00	
	12 15	
	12 30	
	12 45	
B	1 00	George Sekul ✓
B	1 15	Al Koppell ✓
	1 30	
	1 45	
	2 00	
	2 15	
	2 30	
	2 45	
B	3 00	The Thrash ✓
	3 15	
	3 30	
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JULY
16
FRIDAY

Sue's

JULY 1982

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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

AUGUST 1982

1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JULY
17
SATURDAY

8:00 Lou

Friday			Saturday	
	8:00		8:00	
	8:15		8:15	
	8:30		8:30	
	8:45		8:45	
B	9:00	Terry Fisher ✓	9:00	
	9:15		9:15	
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	9:45		9:45	
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	1:45		1:45	
B	2:00	George Shaddock ✓	2:00	
B	2:15	James Bryant ✓	2:15	
B	2:30	Mike Bale ✓	2:30	
B	2:45	Robert Geddes ✓	2:45	
B	3:00	Judge Nixon ✓	3:00	
	3:15		3:15	
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JULY
18
SUNDAY

JULY 1982

SUN	MON	TUE	WED	THUR	FRI	SAT
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4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

AUGUST 1982

SUN	MON	TUE	WED	THUR	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JULY
19
MONDAY

B-Meridian 2 nights

8:00		8:00	
8:15		8:15	
8:30		S 8:30	Dr. Granberry ✓
8:45		8:45	
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12:00		12:00	pick up picture ✓
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JULY
20
TUESDAY

JULY 1982

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18	19	20	21	22	23	24
25	26	27	28	29	30	31

AUGUST 1982

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15	16	17	18	19	20	21
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JULY
21
WEDNESDAY

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B 11:30 Capn. Johns (Harold Jackson - Charges
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JULY
22
THURSDAY

JULY 1982

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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

AUGUST 1982

1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JULY
23
FRIDAY

	Bud - camp (B-Meridian)		Bud - camp
8:00		8:00	
8:15		8:15	
8:30		8:30	
8:45		8:45	
9:00		9:00	
9:15		9:15	
9:30		B ↓ 9:30	The Thrash ✓
9:45		9:45	
10:00		10:00	
10:15		10:15	
10:30		10:30	
10:45		10:45	send copies - Ann Taylor
11:00		B 11:00	Dot ✓
11:15		B 11:15	Ronnie Bittle ✓
J 11:30	Luncheon w/Alice ✓	B 11:30	Dwight O'Neal ✓
11:45		11:45	
12:00		12:00	
12:15		12:15	
12:30		12:30	
12:45		12:45	
1:00		B 1:00	Cathy Collins ✓
1:15		B 1:15	Tommy Davis ✓
1:30		1:30	
1:45		1:45	
2:00		B 2:00	Dempsey, Raymond ✓
2:15		2:15	
2:30		B 2:30	Don Medley ✓
2:45		B 2:45	James Bryant ✓
3:00		B 3:00	Jackie Hiatt ✓
3:15		3:15	
3:30		3:30	
3:45		B 3:45	Jerry Sharp ✓
4:00		4:00	
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JULY
24
SATURDAY

JULY 1982

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25	26	27	28	29	30	31

AUGUST 1982

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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JULY
25
SUNDAY

Bud - camp

8:00 send card - John
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Bud - camp

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JULY
26
MONDAY

JULY 1982

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AUGUST 1982

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15	16	17	18	19	20	21
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29	30	31				

JULY
27
TUESDAY

8:00 Bj cut
8:15
8:30
8:45
9:00
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9:30
9:45
B 10:00 Tommy Davis ✓
10:15
10:30
10:45
B 11:00 Ray Guy ✓
B 11:15 Bill Foster ✓
11:30
11:45
12:00
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12:45
B 1:00 Jr Bank ✓
1:15
1:30
1:45
B 2:00 Jolly Matthews ✓
2:15
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2:45
B 3:00 Joe Shelton ✓
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B 6:30 Bldg. Com. – Main St.
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B 9:00 Clutie ✓
9:15
9:30
9:45
B 10:00 Tommy Davis ✓
B 10:15 Andrew Wilson ✓
10:30
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JULY
28
WEDNESDAY

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JULY 1982

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AUGUST 1982

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JULY
29
THURSDAY

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JULY
30
FRIDAY

JULY 1982

SUN	MON	TUE	WED	THUR	FRI	SAT
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18	19	20	21	22	23	24
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AUGUST 1982

SUN	MON	TUE	WED	THUR	FRI	SAT
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8	9	10	11	12	13	14
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JULY
31
SATURDAY

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11 30		11 30	
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B 12 00	B+C Meeting	12 00	
12 15		12 15	
12 30		12 30	
12 45		12 45	
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AUGUST
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SUNDAY

AUGUST 1982

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SEPTEMBER 1982

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AUGUST
2
MONDAY

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travel voucher
in
printout ✓

8:00 - G J cert
8:15
8:30
8:45
B 9:00 Subpoena – Cunningham ✓
9:15
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J 2:00 Dr Raulston ✓
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B 3:30 Ike Thrush ✓
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AUGUST
3
TUESDAY

AUGUST 1982

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22	23	24	25	26	27	28
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SEPTEMBER 1982

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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

AUGUST
4
WEDNESDAY

Time	August 3 Tuesday	Time	August 4 Wednesday
8:00	BJ cert	8:00	BJ cert
8:15	~~Travel Voucher~~	8:15	Travel Voucher ✓
8:30		8:30	
8:45		8:45	
9:00		9:00	
9:15		9:15	
9:30		9:30	
9:45		9:45	
B 10:00	Randy Johnson ✓	10:00	
B 10:15	Mike 2pm ✓	10:15	
10:30		10:30	
10:45		10:45	
J 11:00	JP court	11:00	
11:15		11:15	
B 11:30	Emmons ✓	11:30	
11:45		11:45	
12:00		12:00	
12:15		12:15	
12:30		12:30	
12:45		12:45	
B 1:00	JW	1:00	
B 1:15	Donnie O'Flynn ✓	1:15	
1:30		1:30	
1:45		1:45	
2:00		B 2:00	Neuman Gayle ✓
2:15		B 2:15	Dr. Smith ✓
2:30		B 2:30	Neuman Autos ✓
2:45		2:45	
3:00		3:00	
3:15		3:15	
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3:45		3:45	
4:00		B 4:00	Marcus Dupree ✓
4:15		4:15	
4:30		4:30	
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5:00		5:00	
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AUGUST
5
THURSDAY

AUGUST 1982

SUN	MON	TUE	WED	THUR	FRI	SAT
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SEPTEMBER 1982

SUN	MON	TUE	WED	THUR	FRI	SAT
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AUGUST
6
FRIDAY

8:00 G J ct.
8:15
8:30
8:45 Call Wilma (taxes)
9:00
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9:00 Hinds Co. Chancery Ct. ✓
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AUGUST
7
SATURDAY

AUGUST 1982

SUN	MON	TUE	WED	THUR	FRI	SAT
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SEPTEMBER 1982

SUN	MON	TUE	WED	THUR	FRI	SAT
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AUGUST
8
SUNDAY

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AUGUST
9
MONDAY

AUGUST 1982

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SEPTEMBER 1982

SUN	MON	TUE	WED	THUR	FRI	SAT
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19	20	21	22	23	24	25
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AUGUST
10
TUESDAY

8:00 Call re Beans
8:15 Call Wilma ✓
8:30 GJ cut ✓
8:45
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AUGUST
11
WEDNESDAY

AUGUST 1982

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SEPTEMBER 1982

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AUGUST
12
THURSDAY

8:00 B J letters
8:15
8:30
8:45
9:00
9:15
9:30
9:45
B 10:00 Lynn Cartlidge ✓
10:15
B 10:30 Henry Farmer ✓
B 10:45 Bob Hammond ✓
11:00
11:15
11:30
11:45
B 12:00 B&C - Noon ✓
12:15
12:30
12:45
1:00
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2:15
B 2:30 Ted Clay ✓
2:45
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AUGUST
13
FRIDAY

AUGUST 1982

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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

SEPTEMBER 1982

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AUGUST
14
SATURDAY

B - Mexico

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B - Mexico

8:00 Mama - Birthday
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AUGUST
15
SUNDAY

AUGUST 1982

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SEPTEMBER 1982

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26	27	28	29	30		

AUGUST
16
MONDAY

B - Mexico ✓

8:00	Jacque Birthday ✓		8:00	BJ letters ✓
8:15			8:15	Ck on Perry Co. taxes ✓
8:30		B	8:30	Dr. Smith ✓
8:45		B	8:45	Pat Sellers ✓
9:00			9:00	
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10:00		B	10:00	Meeting ✓
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2:00		B	2:00	Albert Neiman ✓
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5:00		B	5:00	Mr & Mrs. Walker ✓
5:15			5:15	
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AUGUST
17
TUESDAY

AUGUST 1982

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22	23	24	25	26	27	28
29	30	31				

SEPTEMBER 1982

SUN	MON	TUE	WED	THU	FRI	SAT
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19	20	21	22	23	24	25
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AUGUST
18
WEDNESDAY

	AUGUST 17 TUESDAY		AUGUST 18 WEDNESDAY	
	8:00		8:00	
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	8:45		8:45	
	9:00		9:00	
B	9:15	Romaine Richards ✓	9:15	
B	9:30	Dr + Mrs Smith ✓	9:30	
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B	11:30	Ike Thrash ✓	11:30	
	11:45		11:45	
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B	4:00	Jolly Matthews ✓	4:00	
	4:15		4:15	
	4:30		4:30	
B	4:45	Mickey Huskins ✓	4:45	
	5:00		5:00	
B	5:15	Ike Thrash ✓	5:15	
	5:30		5:30	
	5:45		5:45	
B	6:00	Robin White ✓	6:00	
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AUGUST
19
THURSDAY

AUGUST 1982

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SEPTEMBER 1982

sun	mon	tue	wed	thur	fri	sat
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AUGUST
20
FRIDAY

	THURSDAY 19		FRIDAY 20
8:00		8:00	Perry Co. [illegible]
8:15		8:15	[illegible]
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11:15		11:15	
B 11:30	David Stewart ✓	11:30	
11:45		11:45	
12:00		12:00	
B 12:15	Plukie ✓	12:15	
12:30		12:30	
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1:00	[redacted]	1:00	
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B 2:00	Margaret ✓	2:00	
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AUGUST
21
SATURDAY

AUGUST 1982

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SEPTEMBER 1982

SUN	MON	TUE	WED	THUR	FRI	SAT
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AUGUST
22
SUNDAY

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AUGUST
23
MONDAY

AUGUST 1982

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SEPTEMBER 1982

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AUGUST
24
TUESDAY

8:00 Perry Co. Hayes ✓
8:15 G.J. letter
8:30
8:45
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B 9:30 Mr. Greenwood ✓
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B 11:00 Cecil Turner ✓
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1:00 Call meeting ✓
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8:00 G J letter
8:15
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8:45
B 9:00 Pete Taylor ✓
9:15
9:30
B 9:45 Kim Williams ✓
B 10:00 The Thrash ✓
10:15
B 10:30 Janie Funchess ✓
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B 11:15 Tommy Davis ✓
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B 2:00 Verton ✓
2:15
B 2:30 Joanne Barnes ✓
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B 4:00 Avery Sealy ✓
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AUGUST 1982

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SEPTEMBER 1982

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AUGUST
25
WEDNESDAY

Hanford-Mobile ✓

8:00 Betty Holmes – Birthday ✓
8:15 G J letters
8:30
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10:15
B 10:30 Avery Sealy ✓
10:45
11:00
11:15
B 11:30 Janet Braswell ✓
B 11:45 Andrew Love ✓
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B 1:00 The Thrash ✓
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B 2:00 John Fox ✓
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B 2:30 Avery Sealy ✓
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AUGUST
26
THURSDAY

8:00 me
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8:45
B 9:00 James Dalder ✓
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B 10:15 Elmer Ruetzling ✓
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B 12:00 Judge Wildy ✓
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AUGUST
27
FRIDAY

AUGUST 1982

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SEPTEMBER 1982

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AUGUST
28
SATURDAY

		Jay-Genie		Jay-Genie
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B	10 15	Mr. Patterson ✓	10 15	
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	10 45		10 45	
	11 00		11 00	
	11 15		11 15	
	11 30		11 30	
	11 45		11 45	
B	12 00	George Porter ✓	12 00	
	12 15		12 15	
	12 30		12 30	
	12 45		12 45	
	1 00	LECC - Law enf. ✓	1 00	
Perry	1 15	Police Chiefs ✓	1 15	
	1 30	Sheriffs ✓	1 30	
+ J	1 45	D.A. ✓	1 45	
Jack	2 00	Co. Att ✓	2 00	
	2 15	Bull Slyrt ✓	2 15	
	2 30		2 30	
	2 45		2 45	
B	3 00	Plecker ✓	3 00	
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AUGUST
29
SUNDAY

AUGUST 1982

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SEPTEMBER 1982

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AUGUST
30
MONDAY

Jay - Genie

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B 10:00 Pete Taylor ✓
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B 10:30 Ed Morgan ✓
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B 1:00 Darryl Hunt ✓
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B 2:00 Dr. Granberg ✓
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AUGUST
31
TUESDAY

AUGUST 1982

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SEPTEMBER 1982

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SEPTEMBER
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WEDNESDAY

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B	10:00	Tom Cranford ✓
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B	7:00	Main St ✓
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SEPTEMBER
2
THURSDAY

SEPTEMBER 1982

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OCTOBER 1982

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SEPTEMBER
3
FRIDAY

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7:00		7:00	Graduation party – Academy
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SEPTEMBER
4
SATURDAY

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SEPTEMBER 1982

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OCTOBER 1982

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SEPTEMBER
5
SUNDAY

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SEPTEMBER
6
MONDAY Jim

SEPTEMBER 1982

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OCTOBER 1982

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SEPTEMBER
7
TUESDAY

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10 15			10 15	
10 30		B	10 30	Kaple Hill ✓
10 45			10 45	
11 00			11 00	
11 15			11 15	
11 30			11 30	
11 45		B	11 45	Jerry Arlens ✓
12 00		B	12 00	Mark Fellingame ✓
12 15			12 15	
12 30			12 30	
12 45			12 45	
1 00		B	1 00	Davey Setters ✓
1 15			1 15	
1 30			1 30	
1 45			1 45	
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2 30			2 30	
2 45			2 45	
3 00		B	3 00	Mrs. Kirchoph ✓
3 15			3 15	
3 30			3 30	
3 45			3 45	
4 00		B	4 00	Tom Cranford ✓
4 15			4 15	
4 30			4 30	
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SEPTEMBER
8
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SEPTEMBER 1982

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OCTOBER 1982

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SEPTEMBER
9
THURSDAY

8 WEDNESDAY		9 THURSDAY	
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11 00		B 11 00	Andrew Love ✓
11 15		11 15	
11 30		11 30	
11 45		11 45	
12 00		B 12 00	Plukie ✓
12 15		12 15	
12 30		12 30	
12 45		12 45	
1 00		B 1 00	Mason Sistrunk ✓
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2 00		B 2 00	Kaple Hill ✓
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SEPTEMBER
10
FRIDAY

SEPTEMBER 1982

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OCTOBER 1982

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SATU

	Friday		Saturday
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J	8 30	Dr. Baker ✓	8 30
J	8 45		8 45
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	12 45		12 45
B	1 00	Plukie ✓	1 00
	1 15		1 15
B	1 30	Quenton Mc Donald ✓	1 30
	1 45		1 45
B	2 00	Randy Johnson ✓	2 00
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	3 15		3 15
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SEPTEMBER
12
SUNDAY

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OCTOBER 1982

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B- Perry Co

SEPTEMBER
13
MONDAY

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G J Perry Co ✓
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B 7:00 Main St ✓
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SEPTEMBER
14
TUESDAY

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B 10:00 Royce Shoemake ✓
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B 12:00 Fletcher ✓
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B 12:45 Ellis Walley ✓
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B 2:00 Elizabeth Adams ✓
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SEPTEMBER 1982

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OCTOBER 1982

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SEPTEMBER
15
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SEPTEMBER
16
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SEPTEMBER
17
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12:00	Garden Club	12:00	
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1:00		B 1:00	Headleys
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SEPTEMBER
18
SATURDAY

SEPTEMBER 1982

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SEPTEMBER
19
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20
MONDAY

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SEPTEMBER
21
TUESDAY

B - Perry County

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B	11:00	Robert Cresap ✓
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B	1:15	Davey Sellers ✓
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B	10:15	Raymond ✓
B	10:30	Mr. Headley ✓
B	10:45	Ray Ense ✓
B	11:00	Rich Richardson ✓
B	11:15	Ken Richardson ✓
B	11:30	Everette McCarley ✓
	11:45	
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B	1:00	Shetty ✓
B	1:15	H. J. Benton ✓
B	1:30	Mayor ✓
B	1:45	Danny Smith ✓
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SEPTEMBER
22
WEDNESDAY

SEPTEMBER 1982

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OCTOBER 1982

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SEPTEMBER
23
THURSDAY

	8:00			8:00	
	8:15			8:15	
	8:30			8:30	
	8:45			8:45	
	9:00		B	9:00	Plukie ✓
	9:15			9:15	
	9:30			9:30	
	9:45			9:45	
	10:00		B	10:00	Jim Dukes ✓
B	10:15	Louise Ruffin ✓		10:15	
	10:30			10:30	
	10:45		B	10:45	Raymond Howell ✓
B	11:00	The Thrash ✓		11:00	
	11:15			11:15	
	11:30			11:30	
	11:45		B	11:45	Carolyn Kimbrough ✓
	12:00			12:00	
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B	2:00	Stuart ✓	B	2:00	Headleys ✓
	2:15			2:15	
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	2:45		B	2:45	Olivia Duncan ✓
B	3:00	Mike Tyson ✓		3:00	
	3:15			3:15	
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B+J	5:00	Bill Curtis Office ✓		5:00	
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SEPTEMBER
24
FRIDAY

B - Perry Co.

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B 1:00 Mark Wilkes ✓
B 1:15 Royce Shoemake ✓
B 1:30 Perkie ✓
B 1:45 Charlie Sherrill ✓
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SEPTEMBER 1982

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OCTOBER 1982

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SEPTEMBER
25
SATURDAY

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SEPTEMBER
26
SUNDAY

SEPTEMBER 1982
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19 20 21 22 23 24 25
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OCTOBER 1982
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24 25 26 27 28 29 30
31

SEPTEMBER
27
MONDAY

	September 26 Sunday		September 27 Monday
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9:15	B Mark Fillingane ✓	9:15	B Mark Fillingane ✓
9:30		9:30	
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10:00		10:00	B Raymond Howell ✓
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1:15		1:15	B Blukie ✓
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3:15		3:15	
3:30	Judge Leonard ✓	3:30	
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SEPTEMBER
28
TUESDAY

SEPTEMBER 1982

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OCTOBER 1982

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SEPTEMBER
29
WEDNESDAY

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B	11:15	Ike Thrash ✓
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B	12:00	Jim Dukes ✓
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B	1:30	Bill Bushing ✓
B	1:45	Mike Harris ✓
B	2:00	Doug Sellers ✓
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B	3:30	Johnny Virgil ✓
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B	11:00	Linda Hudson ✓
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J	12:00	Studio ✓
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B	2:45	Ann Miller ✓
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B	3:30	Judge Guess ✓
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B	4:15	Carroll Ingram ✓
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SEPTEMBER
30
THURSDAY

SEPTEMBER 1982

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8:00 pettycash ✓
8:15 expenses ✓
8:30 exp-voucher ✓
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B 10:45 Ginny Rogers ✓
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B 11:30 Tommy Davis ✓
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B 1:00 Pluhie ✓
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B 2:00 Gene Fan ✓
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B 2:45 Margaret ✓
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B 4:00 Dana Barrett ✓
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OCTOBER 1982

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OCTOBER
1
FRIDAY

Jim - camp

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B 10:00 Bert Fells ✓
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B 11:00 Gene Clark ✓
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B 2:00 Rickey Floyd ✓
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OCTOBER
2
SATURDAY

Jim camp

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OCTOBER 1982

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NOVEMBER 1982

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OCTOBER
3
SUNDAY

Jim-camp

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OCTOBER
4
MONDAY

OCTOBER 1982

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NOVEMBER 1982

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OCTOBER
5
TUESDAY

8:00
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B 8:30 Walter Bailey ✓
B 8:45 Sid Oden ✓
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B 10:00 Shorty ✓
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B - Gulf Shores

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OCTOBER
6
WEDNESDAY

OCTOBER 1982

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NOVEMBER 1982

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OCTOBER
7
THURSDAY

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OCTOBER
8
FRIDAY

OCTOBER 1982

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NOVEMBER 1982

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OCTOBER
9
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OCTOBER
10
SUNDAY

OCTOBER 1982

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NOVEMBER 1982

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OCTOBER
11
MONDAY

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10:30		S	10:30	Dr. Granberry ✓
10:45		B	10:45	John Wilson ✓
11:00		B	11:00	Tommy Smith ✓
11:15		B	11:15	Raymond Howell ✓
11:30		B	11:30	Jim Dukes ✓
11:45		B	11:45	Bill Dukes ✓
12:00		B	12:00	Vernon ✓
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2:00		B	2:00	Hanford ✓
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OCTOBER
12
TUESDAY

OCTOBER 1982

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NOVEMBER 1982

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OCTOBER
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B 11:00 Happy McPhail ✓
B 11:15 Flakil ✓
B 11:30 Veilon ✓
11:45
12:00
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B 1:15 Stuart ✓
B 1:30 Andrew Love ✓
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B 3:00 Tom Dial ✓
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B 4:00 City Courtroom - S.C.M.B.A. ✓
B 4:15 Joseph Adamo ✓
B 4:30 Mary Adamo ✓
B 4:45 Davenport
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OCTOBER
14
THURSDAY

B.R.

OCTOBER 1982

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17	18	19	20	21	22	23
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NOVEMBER 1982

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21	22	23	24	25	26	27
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OCTOBER
15
FRIDAY

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B 10:00	Sandra & Lee Ann Betchley ✓
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B 12:30	Plunky ✓
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B 1:30	Tepty Phillips ✓
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B 2:30	Luther Boyd ✓
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B 3:45	Ike Thrash ✓
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OCTOBER
16
SATURDAY

OCTOBER 1982

SUN	MON	TUE	WED	THUR	FRI	SAT
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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
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NOVEMBER 1982

SUN	MON	TUE	WED	THUR	FRI	SAT
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OCTOBER
17
SUNDAY

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OCTOBER
18
MONDAY

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NOVEMBER 1982

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OCTOBER
19
TUESDAY

Me - Jackson EEOC

Time	Monday 18	Time	Tuesday 19
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10:00		B 10:00	~~1st Ms. Natl.~~
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2:30		B 2:30	~~Bill Lancaster 636 3561~~
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OCTOBER
20
WEDNESDAY

Gary Morgan

OCTOBER 1982

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NOVEMBER 1982

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OCTOBER
21
THURSDAY

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B 2:15
B 2:30 Sol Pevsner ✓
B 2:45 Carroll Ingram ✓
3:00
B 3:15 Don Medley ✓
3:30
B 3:45 Emmons ✓
4:00
4:15
B 4:30 Fatima Sandwidge ✓
4:45
B 5:00 Judge Nixon ✓
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B 10:00 Vinton ✓
B 10:15 Don Medley ✓
10:30
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J 12:00 Garden Club ✓
12:15
12:30
12:45
M 1:00 Dr. Bradley ✓
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B 2:00 Raymond Howell ✓
B 2:15 George Gent ✓
B 2:30 Rex Jones ✓
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B 5:30 Main St. Mtg
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OCTOBER
22
FRIDAY
Hank + Lemon

OCTOBER 1982

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NOVEMBER 1982

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OCTOBER
23
SATURDAY

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B 11:00 The Threat ✓
B 11:15 Audio Sonicman ✓
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B 1:15 Plukie ✓
B 1:30 Poonanny ✓
B 1:45 Doc Medley ✓
B 2:00 Rich ✓
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OCTOBER
24
SUNDAY

P.W.-camp

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OCTOBER 1982
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NOVEMBER 1982
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7 8 9 10 11 12 13
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OCTOBER
25
MONDAY

P.W.-camp

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B 4:30 Arrive N.O.
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NOVEMBER 1982

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26 TUESDAY		OCTOBER 27 WEDNESDAY	
P.W. - camp		P W - camp	
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10:15		B 10:15	B. R. Daniels ✓
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12:00		B 12:00	B+C ✓
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2:00		B 2:00	Stukey ✓
2:15		2:15	
2:30		B 2:30	Ed Morgan ✓
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OCTOBER
28
THURSDAY

P.W.-camp

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B 1:00 Sammy Winder ✓
B 1:15 Boyce Halliman ✓
B 1:30 Royal Napier ✓
1:45
2:00
2:15
2:30
2:45
3:00 pick up cake ✓
3:15
3:30
3:45
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4:15
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5:15
5:30 Reception ✓
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OCTOBER 1982

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NOVEMBER 1982

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OCTOBER
29
FRIDAY

Bud ✓ P.W.-camp

8:00 Mike - dentist
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B 1:00 The Thrash ✓
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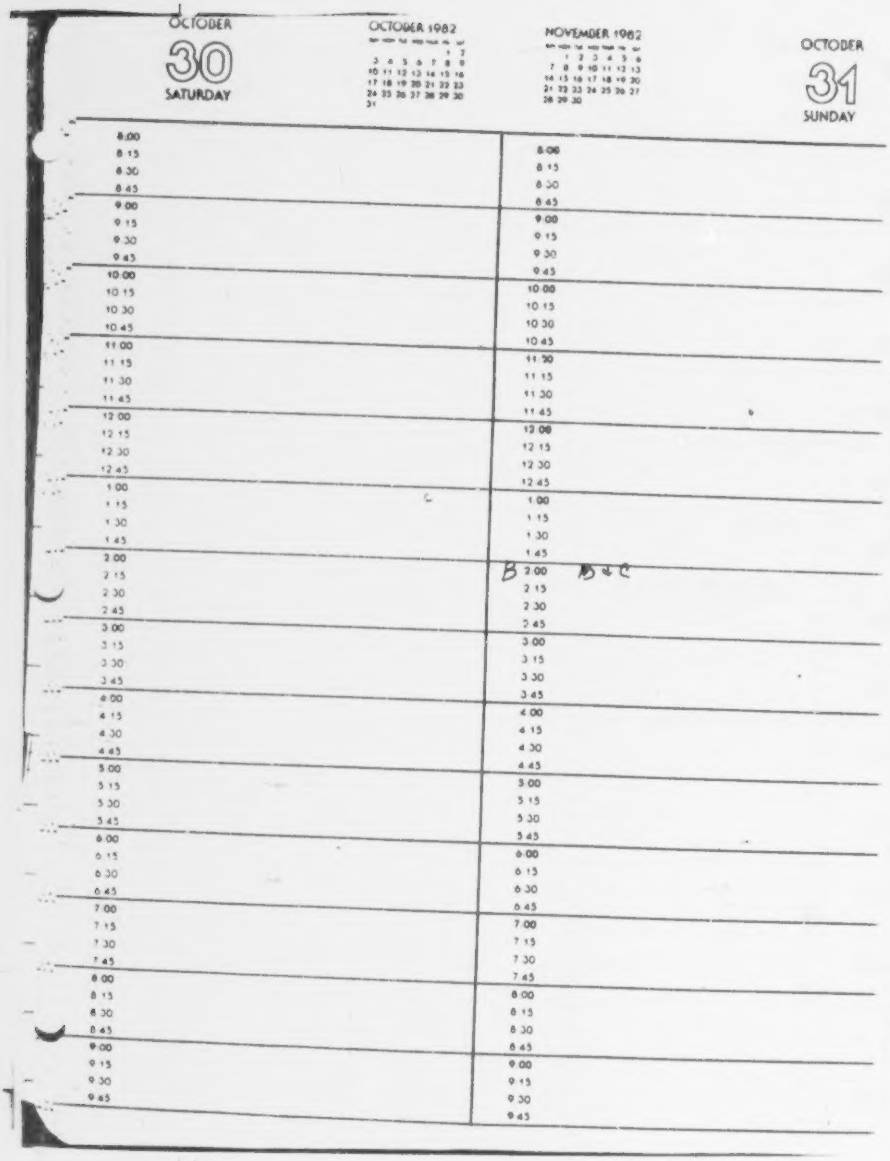

OCTOBER
30
SATURDAY

OCTOBER 1982

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NOVEMBER 1982

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OCTOBER
31
SUNDAY

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NOVEMBER
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MONDAY

Court - 18 days

NOVEMBER 1982

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DECEMBER 1982

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B 12 00 The Threat ✓
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B 2 00 Bill Porter ✓
B 2 15 Plukie ✓
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B 4 00 Moran Pope ✓
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NOVEMBER
3
WEDNESDAY

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NOVEMBER 1982

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DECEMBER 1982

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NOVEMBER
4
THURSDAY

Jon Mark

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B 1:00 Buddy Hayden ✓
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B 2:00 Bishop Barker ✓
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B 3:00 Jaffe Hays ✓
3:15
B 3:30 Judy Sinnott –
B 3:45 Pat Patterson –
4:00
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B 4:30 Carrol Ingram ✓
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NOVEMBER
5
FRIDAY

NOVEMBER 1982

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DECEMBER 1982

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NOVEMBER
6
SATURDAY

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B 2:30 Bruce Thornhill ✓
B 2:45 Radell Keys ✓
B 3:00 Mr. & Mrs. J. C. Essary ✓
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NOVEMBER
7
SUNDAY

NOVEMBER 1982

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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

DECEMBER 1982

SUN	MON	TUE	WED	THUR	FRI	SAT
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
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NOVEMBER
8
MONDAY

NOVEMBER 7 SUNDAY		NOVEMBER 8 MONDAY	
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10 15		10 15	
10 30		10 30	
10 45		10 45	
11 00		B 11 00	Elliott Andelman ✓
11 15		11 15	
11 30		11 30	
11 45		11 45	
12 00		12 00	
12 15		12 15	
12 30		12 30	
12 45		12 45	
1 00		B 1 00	Pluckey ✓
1 15		1 15	
1 30		B 1 30	Cliff Anderson ✓
1 45		1 45	
2 00		2 00	
2 15		2 15	
2 30		2 30	
2 45		B 2 45	Bill Parter ✓
3 00		3 00	
3 15		3 15	
3 30		3 30	
3 45		3 45	
4 00		B 4 00	The Thresh ✓
4 15		4 15	
4 30		4 30	
4 45		4 45	
5 00		5 00	
5 15		5 15	
5 30		5 30	
5 45		5 45	
6 00		6 00	
6 15		6 15	
6 30		6 30	
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NOVEMBER
9
TUESDAY

NOVEMBER 1982

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DECEMBER 1982

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NOVEMBER
10
WEDNESDAY

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B	10:00	B+C – Tax meeting ✓
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B	7:00	Sons Am. Rev.
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B	9:30	Tom Dial ✓
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	10:00	
	10:15	
B	10:30	Ron Cheatham ✓
	10:45	
	11:00	
	11:15	
B	11:30	Ms Rooks ✓
	11:45	
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	12:30	
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B	1:00	Fluker ✓
	1:15	
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	2:00	
B	2:15	David Halderfield ✓
B	2:30	Reuben Jones ✓
	2:45	
	3:00	
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B	3:30	Bob Lewis ✓
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NOVEMBER
11
THURSDAY

NOVEMBER 1982

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DECEMBER 1982

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NOVEMBER
12
FRIDAY

Beverly – Ray H,

8:00		8:00	
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B 11:00	Ike Thrash ✓	11:00	
11:15		11:15	
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11:45		11:45	
12:00		B 12:00	Tw Richardson ✓
12:15		12:15	
12:30		12:30	
12:45		12:45	
B 1:00	Bill Porter ✓	1:00	
1:15		1:15	
1:30		1:30	
1:45		1:45	
B 2:00	Larry Wilson ✓	2:00	
2:15		2:15	
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NOVEMBER
13
SATURDAY

NOVEMBER 1982

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DECEMBER 1982

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NOVEMBER
14
SUNDAY

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NOVEMBER
15
MONDAY
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NOVEMBER 1982

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DECEMBER 1982

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NOVEMBER
16
TUESDAY
Ref

		MONDAY 15			TUESDAY 16
	8:00			8:00	vote ✓
	8:15			8:15	
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	9:00			9:00	
	9:15			9:15	
	9:30			9:30	
	9:45			9:45	
B	10:00	Betty Brown ✓	B	10:00	Andy Tucker ✓
	10:15			10:15	
S	10:30	Dr. Granberry 10:40 ✓		10:30	
	10:45			10:45	
	11:00			11:00	
	11:15			11:15	
	11:30			11:30	
	11:45			11:45	
	12:00			12:00	
B	12:15	Plukie ✓		12:15	
	12:30			12:30	
	12:45			12:45	
	1:00		B	1:00	Johnny Lee ✓
B	1:15	Jack Riley ✓		1:15	
	1:30		B	1:30	Boyce Holliman ✓
	1:45			1:45	
	2:00			2:00	
B	2:15	Johnny Adams ✓		2:15	
	2:30			2:30	
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	6:45	Main St. Meth. 7:00 ✓		6:45	
B	7:00	Petal Athletic Banquet ✓		7:00	
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NOVEMBER
17
WEDNESDAY

NOVEMBER 1982

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DECEMBER 1982

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B 10:00 Bob Hill ✓
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B 11:00 Mr. Jennings ✓
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B 11:30 Linda Barnes Magee ✓
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B 1:00 Johnny Adams ✓
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B 1:45 ~~John Lee~~
B 2:00 Ray Guy ✓
B 2:15 Raymond Stowell ✓
2:30
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3:00 Tom - swearing in ✓
3:15
B 3:30 Mrs. Charles Cole ✓
3:45
B 4:00 Bill Porter ✓
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NOVEMBER
18
THURSDAY

Jackson

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J 12:00 Garden club ✓
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NOVEMBER
19
FRIDAY

Jackson

NOVEMBER 1982

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B 2:00	Gov mansion
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DECEMBER 1982

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NOVEMBER
20
SATURDAY

Field trip

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NOVEMBER
21
SUNDAY

NOVEMBER 1982

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DECEMBER 1982

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NOVEMBER
22
MONDAY

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8:15
B 8:30 Millard Carter ✓
8:45
9:00
9:15
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9:45
B 10:00 Jean Chambers ✓
B 10:15 Col. Wilson ✓
B 10:30 Mrs. W. L. Parker ✓
B 10:45 Ora Wise ✓
B 11:00 Narcathy Naylor ✓
B 11:15 Tommy Davis ✓
11:30
11:45
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2:00
2:15
B 2:30 Earl Dawkins ✓
2:45
B 3:00 Travis Buckley ✓
3:15
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5:30
B 6:00 Mike West birthday
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NOVEMBER
23
TUESDAY

NOVEMBER 1982

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DECEMBER 1982

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NOVEMBER
24
WEDNESDAY

	NOVEMBER 23 TUESDAY			NOVEMBER 24 WEDNESDAY
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10:00		B	10:00	Dr. Bradley ✓
10:15		B	10:15	David Sumlin ✓
10:30		B	10:30	Bill Porter ✓
10:45			10:45	
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12:00		B	12:00	Milton ✓
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3:00		B	3:00	Monk ✓
3:15		B	3:15	Tim Bates ✓
3:30		B	3:30	Chas. Diddlemeyer ✓
3:45		B	3:45	Wayne Cochran Jr. ✓
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NOVEMBER
25
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NOVEMBER
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NOVEMBER
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NOVEMBER 1982

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DECEMBER 1982

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NOVEMBER
28
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NOVEMBER
29
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NOVEMBER 1982

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DECEMBER 1982

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B 9:00 Julius Walker ✓
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B 11:00 Mr. Cochran ✓
B 11:15 Nancy Morris ✓
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B 12:00 Aubrey Lucas ✓
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B 2:00 Ruth Long ✓
B 2:15 Carl Nicholson ✓
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B 4:00 Plukie ✓
4:15
B 4:30 Dwayne McMurty ✓
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B 5:00 Fatima ✓
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NOVEMBER
30
TUESDAY

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B 1:00 Charley Poncler ✓
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B 2:00 Milton Waldoff ✓
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S 3:30 Dr. Bradley ✓
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DECEMBER
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DECEMBER 1982

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JANUARY 1983

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DECEMBER
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THURSDAY

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B 10:00	Doug Baker ✓	10:00	Call Rich Lambert
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B 11:00	Jay Jernigan ✓	11:00	
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B 12:00	The Thrush ✓	12:00	
12:15		12:15	
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B 2:00	Dave Tullos ✓	2:00	
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DECEMBER
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DECEMBER 1982

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JANUARY 1983

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DECEMBER
4
SATURDAY

	8:00	Note due - David Salmon	8:00
	8:15		8:15
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B	9:00	Dempsey Lawler ✓	9:00
B	9:15	Butch Smith ✓	9:15
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	11:45		11:45
B	12:00	McComb ✓	12:00
	12:15		12:15
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DECEMBER
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SUNDAY

DECEMBER 1982

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JANUARY 1983

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DECEMBER
6
MONDAY

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9:00		B	9:00	Marvin Breazeale ✓
9:15		B	9:15	Dempsey Lawler ✓
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12:00		B	12:00	Dwayne McCree ✓
12:15			12:15	
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3:30		B	3:30	Channel 7 ✓
3:45			3:45	
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DECEMBER
7
TUESDAY

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B 10:00 Butch Smith ✓
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B 10:30 Joe Virgil ✓
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B 11:00 Jimmy Havard ✓
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DECEMBER 1982

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JANUARY 1983

SUN	MON	TUE	WED	THUR	FRI	SAT
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DECEMBER
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WEDNESDAY

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DECEMBER 1982

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JANUARY 1983

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	DECEMBER 9 THURSDAY [illegible] cert.		DECEMBER 10 FRIDAY
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B 10:00	Henry Dill ✓	10:00	
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B 10:30	Cricket ✓	10:30	
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B 11:30	Janet Braswell ✓	11:30	
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B 1:00	Tommy Davis ✓	1:00	
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DECEMBER
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SATURDAY

DECEMBER 1982

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JANUARY 1983

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DECEMBER
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DECEMBER
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DECEMBER 1982

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JANUARY 1983

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DECEMBER
14
TUESDAY

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	10 15			10 15	
	10 30			10 30	
	10 45			10 45	
	11 00		B	11 00	Joe Vigil ✓
	11 15			11 15	
	11 30		B	11 30	P.W. Underwood ✓
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B	1 00	~~dep — Mobile~~		1 00	
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	3 30		B	3 30	Ike Thrash ✓
	3 45			3 45	
	4 00		B	4 00	Joe Hopstein ✓
	4 15			4 15	
	4 30			4 30	
	4 45			4 45	
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B	7 00	Main St.		7 00	
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DECEMBER
15
WEDNESDAY

DECEMBER 1982

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JANUARY 1983

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DECEMBER
16
THURSDAY

	DECEMBER 15 WEDNESDAY		DECEMBER 16 THURSDAY
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B 10:30	Pluhie ✓	10:30	
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11:00		11:00	
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11:30		11:30	
11:45		11:45	
12:00		J 12:00	Garden Club - Jackson ✓
12:15		12:15	
12:30		B 12:30	reporter - Dallas ✓
12:45		12:45	
1:00		1:00	
1:15		1:15	
1:30		B 1:30	Lee McKee + Henry ✓
1:45		1:45	
2:00		2:00	
2:15		2:15	
2:30		B 2:30	Tommy Davis ✓
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6:45		6:45	
7:00		J 7:00	Hughes party
7:15		7:15	
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DECEMBER
17
FRIDAY

DECEMBER 1982

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JANUARY 1983

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DECEMBER
18
SATURDAY

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B 10:00 Mason Sistrunk ✓
B 10:15 Sheriff Latt ✓
B 10:30 Brinkley ✓
B 10:45 Gene Walton ✓
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B 7:00 McKenzie – Xmas party
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DECEMBER
19
SUNDAY

DECEMBER 1982

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JANUARY 1983

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16 17 18 19 20 21 22
23 24 25 26 27 28 29
30 31

DECEMBER
20
MONDAY

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B 5:00 B + C Party ✓
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B 9:00 Ken King ✓
B 9:15 Stal Creel Jr. ✓
B 9:30 Dorothy Alford ✓
B 9:45 Howard Walker ✓
B 10:00 Charles Hall ✓
B 10:15 Doug Lowery ✓
B 10:30 Mrs. J. C. Cochran ✓
B 10:45 Don Grove ✓
11:00
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12:00 Police Dept. Lunch ✓
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DECEMBER
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DECEMBER 1982

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JANUARY 1983

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DECEMBER
22
WEDNESDAY

Perry Co.

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B 10:15
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B 10:45 Plukie ✓
11:00 Bd. of Sup. ✓
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B 11:30 Jimmy Howard ✓
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DECEMBER
23
THURSDAY

DECEMBER 1982
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12 13 14 15 16 17 18
19 20 21 22 23 24 25
26 27 28 29 30 31

JANUARY 1983
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9 10 11 12 13 14 15
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23 24 25 26 27 28 29
30 31

DECEMBER
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FRIDAY

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25 SATURDAY	26 SUNDAY
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DECEMBER
27
MONDAY

DECEMBER 1982
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12 13 14 15 16 17 18
19 20 21 22 23 24 25
26 27 28 29 30 31

JANUARY 1983
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9 10 11 12 13 14 15
16 17 18 19 20 21 22
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DECEMBER
28
TUESDAY

8 00
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10 15
B 10 30 Plukie ✓
10 45
B 11 00 Robert Lindsey ✓
11 15
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12 00
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12 30
12 45
B 1 00 Kenny Smith ✓
1 15
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9 00 Circuit Court ✓
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B 11 30 Ike Thrash ✓
11 45
B 12 00 Tommy Davis ✓
B 12 15 Stuart Sargent ✓
12 30
12 45
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B 2 30 Marvin Morris ✓
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DECEMBER
29
WEDNESDAY

DECEMBER 1982

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JANUARY 1983

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DECEMBER
30
THURSDAY

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12:00 Beat 3 Barn ✓
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B 12:00 Bobby Cleveland ✓
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B 3:00 Wayne Lieterling ✓
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DECEMBER
31
FRIDAY

DECEMBER 1982

SUN	MON	TUE	WED	THU	FRI	SAT
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

JANUARY 1983

SUN	MON	TUE	WED	THU	FRI	SAT
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

JANUARY
1
SATURDAY

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8 00 2-11-83 (S) Dr. Granbery 11:30
8 15 January 5th - 6:30 Bass
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9 00 January 3 - 9:00
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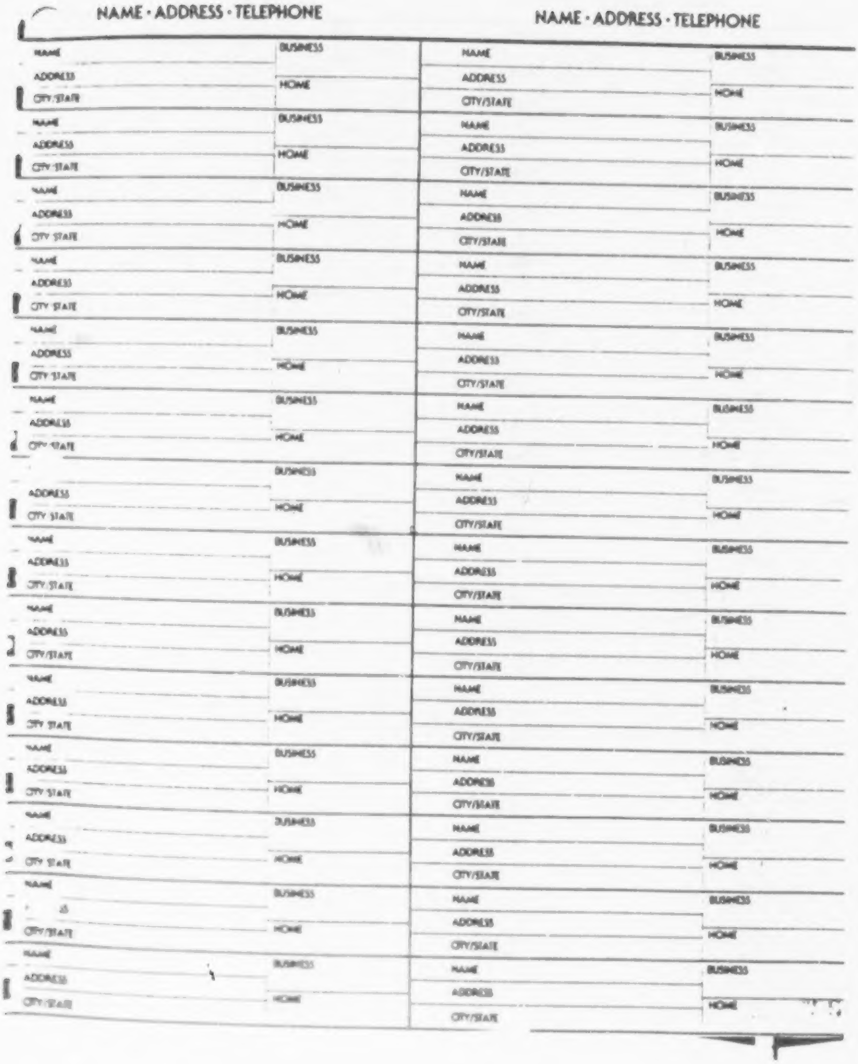

NAME · ADDRESS · TELEPHONE

NAME · ADDRESS · TELEPHONE

NAME	BUSINESS	NAME	BUSINESS
ADDRESS	HOME	ADDRESS	HOME
CITY/STATE		CITY/STATE	
NAME	BUSINESS	NAME	BUSINESS
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NAME	BUSINESS	NAME	BUSINESS
ADDRESS	HOME	ADDRESS	HOME
CITY/STATE		CITY/STATE	

NAME · ADDRESS · TELEPHONE NAME · ADDRESS · TELEPHONE F

NAME	BUSINESS	NAME	BUSINESS	
ADDRESS	HOME	ADDRESS	HOME	F
CITY/STATE		CITY/STATE		
NAME	BUSINESS	NAME	BUSINESS	
ADDRESS	HOME	ADDRESS	HOME	F
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ADDRESS	HOME	ADDRESS	HOME	F
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NAME	BUSINESS	NAME	BUSINESS	
ADDRESS	HOME	ADDRESS	HOME	F
CITY/STATE		CITY/STATE		
NAME	BUSINESS	NAME	BUSINESS	
ADDRESS	HOME	ADDRESS	HOME	F
CITY/STATE		CITY/STATE		
NAME	BUSINESS	NAME	BUSINESS	
ADDRESS	HOME	ADDRESS	HOME	F
CITY/STATE		CITY/STATE		
NAME	BUSINESS	NAME	BUSINESS	
ADDRESS	HOME	ADDRESS	HOME	F
CITY/STATE		CITY/STATE		
NAME	BUSINESS	NAME	BUSINESS	
ADDRESS	HOME	ADDRESS	HOME	F
CITY/STATE		CITY/STATE		
NAME	BUSINESS	NAME	BUSINESS	
ADDRESS	HOME	ADDRESS	HOME	F
CITY/STATE		CITY/STATE		
NAME	BUSINESS	NAME	BUSINESS	
ADDRESS	HOME	ADDRESS	HOME	F
CITY/STATE		CITY/STATE		
NAME	BUSINESS	NAME	BUSINESS	
ADDRESS	HOME	ADDRESS	HOME	F
CITY/STATE		CITY/STATE		
NAME	BUSINESS	NAME	BUSINESS	
ADDRESS	HOME	ADDRESS	HOME	F
CITY/STATE		CITY/STATE		
NAME	BUSINESS	NAME	BUSINESS	
ADDRESS	HOME	ADDRESS	HOME	F
CITY/STATE		CITY/STATE		
NAME	BUSINESS	NAME	BUSINESS	
ADDRESS	HOME	ADDRESS	HOME	F
CITY/STATE		CITY/STATE		

Public Holidays (Continued)

NEB	Feb 12 Lincoln's Birthday • 15 Presidents Day • April 22 Arbor Day • May 31 Memorial Day • Oct 11 Columbus Day
NEV	Feb 15 Washington's Birthday • May 31 Memorial Day • Oct 31 Nevada Day
N H	Feb 15 Washington's Birthday • April 20 Fast Day • May 31 Memorial Day • Oct 11 Columbus Day
N J	Jan 15 Martin Luther King's Birthday • Feb 12 Lincoln's Birthday • 15 Washington's Birthday • April 9 Good Friday • May 31 Memorial Day • June 13 Flag Day • Oct 11 Columbus Day
N M	Feb 12 Lincoln's Birthday • 15 Washington's Birthday • May 31 Memorial Day • Oct 11 Columbus Day
N Y	Feb 12 Lincoln's Birthday • 15 Washington's Birthday • May 31 Memorial Day • Oct 11 Columbus Day
N C	Jan 19 Robert E. Lee's Birthday • Feb 15 Washington's Birthday • April 12 Halifax Day • 12 Easter Monday • May 10 Confederate Memorial Day • 20 Mecklenburg Day • Oct 11 Columbus Day
N D	Feb 12 Lincoln's Birthday • 15 Washington's Birthday • April 9 Good Friday • May 31 Memorial Day • Oct 11 Discovery Day
OHIO	Jan 15 Martin Luther King's Birthday • Feb 15 Washington-Lincoln Day • May 31 Memorial Day • Oct 11 Columbus Day
OKLA	Feb 15 Washington's Birthday • April 13 Thomas Jefferson's Birthday • 22 Oklahoma Day • May 31 Memorial Day • Sept 16 Cherokee Strip Day • Oct 10 Oklahoma Historical Day • 11 Columbus Day • Nov 4 Will Rogers Day • 26 Friday after Thanksgiving
OREG	Feb 12 Lincoln's Birthday • 15 Washington's Birthday • May 31 Memorial Day
PENN	Feb 12 Lincoln's Birthday • 15 Washington's Birthday • April 9 Good Friday • May 31 Memorial Day • June 14 Flag Day • Oct 11 Columbus Day
R I	Feb 15 Washington's Birthday • May 4 Rhode Island Independence Day • 31 Memorial Day • Aug 9 Victory Day • Oct 11 Columbus Day
S C	Jan 19 Robert E. Lee's Birthday • Feb 15 Washington's Birthday • May 10 Confederate Memorial Day • Dec 26 Second Christmas Day
S D	Feb 12 Lincoln's Birthday • 15 Washington's Birthday • May 31 Memorial Day • Oct 11 Pioneers Day
TENN	Feb 15 Washington's Birthday • March 15 Andrew Jackson's Birthday • April 9 Good Friday • May 31 Memorial Day • Oct 11 Columbus Day
TEX	Jan 19 Robert E. Lee's Birthday • Feb 15 Washington's Birthday • March 2 Texas Independence Day • April 21 San Jacinto Day • May 31 Memorial Day • June 3 Jefferson Davis's Birthday • Oct 11 Columbus Day
UTAH	Feb 12 Lincoln's Birthday • 15 Washington's Birthday • April 30 Arbor Day • May 31 Memorial Day • July 24 Pioneer Day • Oct 11 Columbus Day
VT	Feb 12 Lincoln's Birthday • 15 Washington's Birthday • March 2 Town Meeting Day • May 31 Memorial Day • Aug 16 Bennington Battle Day • Oct 11 Columbus Day
VA	Jan 18 Lee-Jackson Day • Feb 15 Washington's Birthday • April 13 Thomas Jefferson's Birthday • May 31 Confederate Memorial Day • Oct 11 Columbus Day
WASH	Feb 12 Lincoln's Birthday • 15 Washington's Birthday • May 31 Memorial Day • Oct 11 Columbus Day
W V	Feb 12 Lincoln's Birthday • 15 Washington's Birthday • May 30 Memorial Day • June 20 West Virginia Day • Oct 11 Columbus Day
WIS	Feb 15 Washington's Birthday • May 31 Memorial Day • Oct 11 Landing Day
WY	Feb 12 Lincoln's Birthday • 15 Presidents Day • May 31 Memorial Day • Oct 11 Columbus Day
A S	Feb 15 Washington's Birthday • April 9 Good Friday • 17 American Samoan Flag Day • May 31 Memorial Day • Oct 11 Columbus Day
C Z	Feb 15 Washington's Birthday • April 9 Good Friday • May 31 Memorial Day • Oct 11 Columbus Day • Nov 3 Panamanian Independence Day
GUAM	Feb 15 Washington's Birthday • April 9 Good Friday • May 31 Memorial Day • July 21 Liberation Day • Dec 8 Lady of Camarin Day
P R	Jan 6 Three Kings Day • 11 Eugenio Maria de Hostos Birthday • Feb 15 Washington's Birthday • March 22 Abolition of Slavery • April 9 Good Friday • 16 José de Diego's Birthday • May 31 Memorial Day • July 17 Luis Muñoz Rivera's Birthday • 25 Constitution Day • 27 José Celso Barbosa's Birthday • Oct 11 Columbus Day • Nov 19 Puerto Rico Discovery Day
V I	Jan 6 Three Kings Day • 15 Martin Luther King's Birthday • Feb 8 Lincoln's Birthday • 15 Washington's Birthday • March 31 Transfer Day • April 8 Maundy Thursday • 9 Good Friday • 12 Easter Monday • May 31 Memorial Day • June 21 Organic Act Day • July 3 Emancipation Day • 20 Supplication Day • Oct 11 Columbus Day • 18 Local Thanksgiving Day • Nov 1 Liberty Day • Dec 26 Second Christmas Day
Canada	April 9 Good Friday • May 24 Victoria Day • July 1 Dominion Day • Sept 6 Labour Day • Oct 11 Thanksgiving Day • Nov 11 Remembrance Day

Major Religious Observances

Jan 3 Epiphany Sunday • 6 Epiphany Feb 7 Septuagesima Sunday • 24 Ash Wednesday • 28 First Sunday of Lent March 8 Fast of Esther • 9 Purim • 10 Shushan Purim • 28 Passion Sunday April 4 Palm Sunday • 8 Maundy Thursday • 8 First Day of Passover • 9 Good Friday • 10 Holy Saturday • 11 Easter Sunday • 18 Low Sunday (First Sunday after Easter) May 20 Ascension Day • 28 First Day of Pentecost (Jewish) • 30 Whitsunday Pentecost (Christian) June 6 Trinity Sunday • 13 Corpus Christi • 18 Feast of the Sacred Heart Aug 15 Assumption of the Blessed Virgin Mary Sept 18 19 Rosh Hashanah (Jewish New Year 5743) • 27 Yom Kippur (Day of Atonement) Oct 2 Succoth • 31 Reformation Day Nov 1 All Saints Day • 2 All Souls Day • 28 First Sunday in Advent Dec 8 Feast of the Immaculate Conception • 11 First Day of Chanukah • 25 Christmas Day

Public Holidays—1982

In most states when a Holiday falls on a Saturday the preceding Friday is observed as the holiday. If the holiday occurs on a Sunday the Monday following is usually observed. Holidays in some states are only by common consent or when appointed by the Governor and not by legislative enactment.

All States Observe The Following Holidays

January 1 – New Year's Day
July 5 – Independence Day
September 6 – Labor Day
November 2 – Election Day
November 11 – Veterans Day
November 25 – Thanksgiving Day
December 25 – Christmas Day

Individual State Holidays—In Addition to Above

ALA	Jan 18 Robert E. Lee's Birthday • Feb 15 Washington's Birthday • 23 Mardi Gras • April 13 Thomas Jefferson's Birthday • 26 Confederate Memorial Day • June 7 Jefferson Davis Birthday • Oct 11 Columbus Day
ALSK	Feb 12 Lincoln's Birthday • 15 Washington's Birthday • March 29 Seward's Day • May 31 Memorial Day • Oct 18 Alaska Day
ARIZ	Feb 8 Lincoln's Birthday • 14 Admission Day • 15 Washington's Birthday • May 31 Memorial Day • Oct 11 Columbus Day
ARK	Jan 19 Robert E. Lee's Birthday • Feb 15 Washington's Birthday • May 31 Memorial Day • June 3 Jefferson Davis Birthday • Dec 24 Christmas Eve Day
CALIF	Feb 12 Lincoln's Birthday • 15 Washington's Birthday • May 31 Memorial Day • Sept 9 Admission Day • Oct 11 Columbus Day
COLO	Feb 8 Lincoln's Birthday • 15 Washington's Birthday • May 31 Memorial Day • Aug 2 Colorado Day • Oct 11 Columbus Day
CONN	Jan 15 Martin Luther King's Birthday • Feb 12 Lincoln's Birthday • 15 Washington's Birthday • April 9 Good Friday • May 31 Memorial Day • Oct 11 Columbus Day
DEL	Feb 12 Lincoln's Birthday • 15 Washington's Birthday • April 9 Good Friday • May 31 Memorial Day • Oct 11 Columbus Day
D C	Feb 12 Lincoln's Birthday • 15 Washington's Birthday • May 31 Memorial Day • Oct 11 Columbus Day
FLA	Jan 15 Arbor Day • 19 Robert E. Lee's Birthday • Feb 15 Washington's Birthday • 23 Mardi Gras • April 2 Pascua Florida Day • 9 Good Friday • 26 Confederate Memorial Day • May 31 Memorial Day • June 3 Jefferson Davis Birthday • Oct 11 Columbus Farmers Day
GA	Jan 19 Robert E. Lee's Birthday • Feb 15 Washington's Birthday • April 26 Confederate Memorial Day • May 31 Memorial Day • June 3 Jefferson Davis Birthday • Oct 11 Columbus Day
HAWII	Feb 15 Presidents Day • March 26 Kuhio Day • April 9 Good Friday • May 31 Memorial Day • June 11 Kamehameha Day • Aug 20 Admission Day
IO	Feb 15 Washington's Birthday • May 31 Memorial Day • Oct 11 Columbus Day
ILL	Jan 15 Martin Luther King's Birthday • Feb 12 Lincoln's Birthday • 15 Washington's Birthday • May 30 Memorial Day • Oct 11 Columbus Day • Nov 26 Friday after Thanksgiving
IND	Feb 8 Lincoln's Birthday • 15 Washington's Birthday • April 9 Good Friday • May 31 Memorial Day • Oct 11 Columbus Day
IOWA	April 9 Good Friday • May 31 Memorial Day • Nov 26 Friday after Thanksgiving
KAN	Feb 12 Lincoln's Birthday • 15 Washington's Birthday • May 31 Memorial Day • Oct 11 Columbus Day
KEN	Jan 15 Martin Luther King's Birthday • 19 Robert E. Lee's Birthday • 30 Franklin D. Roosevelt Day • Feb 12 Lincoln's Birthday • 15 Washington's Birthday • May 31 Memorial Day • June 3 Confederate Memorial Day • Oct 11 Columbus Day
LA	Jan 8 Battle of New Orleans • 19 Robert E. Lee's Birthday • Feb 15 Washington's Birthday • 23 Mardi Gras • April 9 Good Friday • May 31 Memorial Day • June 3 Confederate Memorial Day • Aug 30 Huey P. Long's Birthday • Oct 11 Columbus Day • Nov 1 All Saints Day
ME	Feb 15 Washington's Birthday • April 19 Patriots Day • May 31 Memorial Day
MD	Feb 12 Lincoln's Birthday • 15 Washington's Birthday • March 25 Maryland Day • April 9 Good Friday • May 31 Memorial Day • Oct 11 Columbus Day
MASS	Feb 15 Washington's Birthday • March 17 Evacuation Day • April 19 Patriots Day • May 31 Memorial Day • June 17 Bunker Hill Day • Oct 11 Columbus Day
MICH	Feb 12 Lincoln's Birthday • 15 Washington's Birthday • May 31 Memorial Day • Oct 11 Columbus Day
MINN	Feb 12 Lincoln's Birthday • 15 Washington's Birthday • April 9 Good Friday • May 31 Memorial Day • Oct 11 Columbus Day
MISS	Jan 18 Robert E. Lee's Birthday • Feb 15 Washington's Birthday • April 26 Confederate Memorial Day • June 7 Jefferson Davis Birthday
MO	Feb 12 Lincoln's Birthday • 15 Washington's Birthday • April 13 Thomas Jefferson's Birthday • May 8 Harry S Truman's Birthday • 31 Memorial Day • Oct 11 Columbus Day
MONT	Feb 12 Lincoln's Birthday • 15 Washington's Birthday • May 31 Memorial Day • Oct 11 Columbus Day

General Observances

Jan 15 Martin Luther King's Birthday Feb 1 Social Security and Withholding Tax Return Due • 1 National Freedom Day • 2 Ground Hog Day • 14 Valentine's Day • 15 Susan B. Anthony's Day March 17 St. Patrick's Day April 15 Income Tax File • 30 Social Security and Withholding Tax Return Due May 1 May Day • 9 Mothers Day • 15 Armed Forces Day June 14 Flag Day • 20 Fathers Day Aug 2 Social Security and Withholding Tax Return Due Oct 31 Halloween Nov 1 Social Security and Withholding Tax Return Due Dec 24 Christmas Eve Day • 31 New Year's Eve Day

GOVERNMENT EXHIBIT 22

[illegible]
FOR THE [illegible]
[illegible]

GOVERNMENT
EXHIBIT
22

[illegible]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
Hattiesburg Division

SOUTHERN DISTRICT OF MISSISSIPPI
FILED
JUN 18 1985
CLARENCE A. PIERCE, CLERK
BY DEPUTY

UNITED STATES OF AMERICA v. PAUL H. "BUD" HOLMES, Defendant.	)	CR. No. H85-00004

INFORMATION

The United States of America, acting through its undersigned attorney, charges that:

1. From on or about July 18, 1984, and continuing through March, 1985, in the Southern District of Mississippi, the Defendant, PAUL H. "BUD" HOLMES, acting unlawfully, willfully and knowingly, did commit acts of misbehavior in the presence of the Grand Jury empaneled in the Hattiesburg Division of the Southern District of Mississippi, convened upon the Order of and acting under the supervision of the United States District Court for the Southern District of Mississippi, and did commit acts of misconduct so near to said Grand Jury and said Court as to obstruct the administration of justice. In this regard, the Defendant, PAUL H. "BUD" HOLMES,

(a) inquired of others whether they had discussed a telephone call with federal authorities so as to be able to tailor his own grand jury testimony;

(b) testified falsely in the grand jury on February 21, 1985, that the reason he did not advise the grand jury about the aforementioned telephone call previously was "it did not come across my mind. . ." and he "didn't put any significance to it;" and

(c) refused to disclose the substance of the aforementioned telephone call when on February 21, 1985, he falsely testified before the grand jury that he could not remember what was said during the call;

with all said acts done by the Defendant, PAUL H. "BUD" HOLMES, to manipulate and interfere with the grand jury investigation by preventing the grand jury from receiving relevant evidence.

In violation of Title 18, United States Code, Section 401(1).

Reid H Weingarten

REID H. WEINGARTEN

Trial Attorney
Public Integrity Section
Criminal Division
Department of Justice
Washington, D.C. 20530

A TRUE COPY, I HEREBY CERTIFY.
Clarence A. Pierce, CLERK
By:
Deputy Clerk

EXHIBIT NO G-22 EVID
CAUSE NO. J85-00012 (L)
WITNESS Bud Holmes
PAGES 2

JAN 31 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Diane Scott REPORTER

EXHIBIT NO. G-22 EVID
CAUSE NO. H85-00012(L)
WITNESS: Bud Holmes
PAGES 2

JAN 31 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Diane Scott REPORTER

GOVERNMENT EXHIBIT 23

GOVERNMENT EXHIBIT 23

June 18, 1985

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
Hattiesburg Division

UNITED STATES OF AMERICA v. PAUL H. "BUD" HOLMES, Defendant.	CR No. H85-00004

PLEA AGREEMENT

The undersigned have agreed as follows:

1. The Defendant, PAUL H. "BUD" HOLMES, will plead guilty to the crime of contempt, in violation of Title 18, United States Code, Section 401(1).

2. The United States retains the right to allocute at sentencing.

3. The Defendant, PAUL H. "BUD" HOLMES, will provide complete cooperation to the United States; that is, he will provide complete and truthful evidence and testimony to the United States at interviews, before the grand jury, and at trial.

4. The Defendant, PAUL H. "BUD" HOLMES, agrees that any representation he makes during his cooperation can be tested by the United States with a polygraph examination.

5. The United States will make known to the sentencing court any and all cooperation that the Defendant, PAUL H. "BUD" HOLMES, provides.

6. The United States will move to dismiss the indictment pending against the Defendant, PAUL H. "BUD" HOLMES, in the above-captioned case.

7. The Defendant, PAUL H. "BUD" HOLMES, will not be prosecuted by the United States for any offense the facts of which are now known to the United States.

8. The United States retains the right to prosecute the Defendant, PAUL H. "BUD" HOLMES, for perjury with regard to any future testimony given by the Defendant, PAUL H. "BUD" HOLMES.

9. Pursuant to Rule 11(e)(1)(B) PHH RHW of the Federal Rules of Criminal Procedure, the United States and the Defendant, PAUL H. "BUD" HOLMES, agree that should the Court decide to impose a term of imprisonment, a sentence of no more than one year's imprisonment would be an appropriate disposition of the case.

Reid H Weingarten
REID H. WEINGARTEN
Attorney for the United States

JAN NIELSEN LITTLE
Attorney for the United States

JUNE 18, 1985

A TRUE COPY, I HEREBY CERTIFY,
Clarence A. Pierce, CLERK
By:
Deputy Clerk

James K Dukes
JAMES K. DUKES
Attorney for the Defendant

Maurice Dantin
MAURICE DANTIN
Attorney for the Defendant

ROBERT F. DRAKE
Attorney for the Defendant

Patrick Fanning
PATRICK FANNING
Attorney for the Defendant

PAUL H. "BUD" HOLMES
Defendant

EXHIBIT NO. G-23 EVID
CAUSE NO. H85-00012(L)
WITNESS Bud Holmes
PAGES 2

JAN 31 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Diane Scott REPORTER

GOVERNMENT EXHIBIT 24

GOVERNMENT
EXHIBIT
24

PENGAD-Bayonne, N.J.

Reg. No. 01368-095-G		Name KROHN, Joseph E.	
Birthdate 01-02-47	Race W	FBI No.	Residence 520 N. 38th Ave. Hattiesburg, MS 39401
Sent. Date	District	Sentence & Procedure	Offense
12-19-80	M/LA	~~05-00-00 REG~~	Consp/Poss Unreg.Fire-arms & Dist dangerous contro-led substances
		03-00-00 REG	02-05-82 Ct Order reduc sent.

DETL: ~~A~~3 CE-6

Total Sentence: ~~03-00-00~~ 03-00-00

Date Comm	Exp. Full Term	Full Term—180	Exp. Good Time	Elig. Parole
~~01-09-81~~	~~09-24-85~~	~~03-28-85~~	~~06-01-84~~	~~05-25-82~~
01-09-81	09-24-83	03-28-83	01-15-83	09-24-81
			[illegible] 3-24-83	

SENT BEGAN:	JC:	INOP:	SGT:	FINE:
01-09-81	106	*	252	$3,000C [illegible] * Decision 7/82

01368-095 KROHN, Joseph E.

REG. NO. NAME

[redacted]

~~06-22-82 Trsf Salvation Army, Pascagoula MS~~

10-22-82 MR

DATE & METHOD

Rt. 1, Box 204-E
Ocean Springs, MS 39564

S/MS - Gulfport ofc

File returned to [illegible] 2-18-82

~~[illegible] MONTGOMERY, AL 736427~~

INST.

CERT. MAIL NO.

129-83-0011	E0681845	129	8 OF 17
ACCESSION	FRC	REC. GP.	BOX NO.

EXHIBIT NO. G-24 EVID
CAUSE NO. H85-00012(L)
WITNESS —
PAGES 1

FEB 04 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Scott REPORTER

GOVERNMENT EXHIBIT 25

GOVERNMENT
EXHIBIT
25

GOVERNMENT EXHIBIT 26

GOVERNMENT
EXHIBIT
26

Date	Royalty Payments to Judge Nixon	Sub-Total of Royalties	Nixon Note Payments
2/18/82	$ 464.25		
2/19/82	5,941.01		
3/3/82	1,071.29	$ 7,476.55	
3/16/82			$1,000.00 2,500.00 1,500.00 5,[illegible].00
3/26/82	1,103.88		
4/6/82	1.12		
4/29/82	971.84		
5/24/82	1,060.70		
6/10/82	143.51		
6/28/82	974.69		
7/23/82	1,028.70		
8/24/82	1,061.61		
9/9/82	10,093.40		
9/15/82	11.92	16,451.37	
9/16/82			1,271.43 2,098.11 1,407.15 4,776.69
9/29/82	2,216.55		
10/25/82	1,536.34		
11/29/82	1,740.68		
12/30/82	1,631.26		
1/4/8(3)	5.50		
1/28/83	1,113.79		
2/14/83	372.65		
2/28/83	1,316.22	9,932.99	
3/1/83			522.19 522.19 1,044.38
3/28/83	1,736.78		
4/22/83	1,327.38		
5/9/83	3.69		
5/23/83	1,238.20		
6/23/83	1,449.87		
7/13/83	4.27		
7/25/83	938.02		
8/26/83	878.90		
9/26/83	925.20		
11/11/83	595.05		
11/30/83	572.49		
12/13/83	156.37		
12/28/83	813.70		
1/27/84	891.61		
2/10/84	89.81		
2/29/84	783.82		
3/30/84	532.26		
4/18/84	5.48		
4/27/84	564.88		
5/24/84	726.21		
7/5/84	428.56		
7/27/84	928.34		
7/30/84	975.18	16,566.07	

Date	Royalty Payments to Judge Nixon	Sub-Total of Royalties	Nixon Note Payments
8/20/84			951.10
8/29/84	927.13		
9/28/84	849.45		
10/4/84	7.92		
10/23/84	705.20		
11/28/84	964.76		
12/31/84	2.29		
12/31/84	1,056.75		
1/28/85	1,079.37		
2/12/85	177.43		
3/1/85	1,053.16		
3/22/85	991.00		
4/15/85	3.25		
4/22/85	963.74		
5/23/85	246.51		
5/23/85	122.36		
5/24/85	896.55		
7/2/85	299.19		
7/24/85	712.14		
8/22/85	581.05		
8/26/85	5.65	11,644.90	
	Grand total	$62,071.88	$11,772.17
		- 11,772.17	
	Net profit	$50,299.71	

te	Royalty Payments to Judge Nixon	Sub-Total of Royalties	Nixon Note Payments
/82	$ 464.25		$1,000.00
/82	5,941.01		2,500.00
82	1,071.29	$ 7,476.55	1,500.00
/82			5,000.00
/82	1,103.88		
82	1.12		
/82	971.84		
/82	1,060.70		
/82	143.51		
/82	974.69		
/82	1,028.70		
/82	1,061.61		1,271.43
/82	10,093.40		2,098.11
/82	11.92	16,451.37	1,407.15
/82			4,776.69
/82	2,216.55		
5/82	1,536.34		
9/82	1,740.68		
0/82	1,631.26		
(3)	5.50		
/83	1,113.79		
/83	372.65		522.19
/83	1,316.22	9,932.99	522.19
83			1,044.38
/83	1,736.78		
/83	1,327.38		
83	3.69		
/83	1,238.20		
/83	1,449.87		
/83	4.27		
/83	938.02		
/83	878.90		
/83	925.20		
/83	595.05		
/83	572.49		
/83	156.37		
/83	813.70		
/84	891.61		
/84	89.81		
/84	783.82		
/84	532.26		
/84	5.48		
/84	564.88		
	726.21		
	428.56		
/84	928.34		
/84	975.18	16,566.07	

NIXON NOTES (PAYMENTS)

Date	$2,000.00 Note	$4,500.00 Note	$3,000.00 Note
3/16/82	$1,000.00	$2,500.00	$1,500.00
9/16/82	1,271.43 (pd in full)	2,098.11	1,407.15
	$2,271.43		
3/1/83		522.19 (pd in full)	522.19 (pd in full)
		$5,120.30	$3,429.34
8/20/84		$951.10	

Classification Form 16
11-GD

DORM G

BACKGROUND INFORMATION

Reg. No.	Name	Date
01368-095	KROHN, Joseph E.	2/12/81

	Name (A (C) or (V) denotes approved correspondents or visitors)	Relationship	Age	Married Yes	Married No	Address
1	M&M Alton Krohn	Parents	56	X		Rt 1, Box 204E, Ocean Springs, MS
2	Daniel Krohn	Brother	32		X	Same as #1
3	Kenneth Krohn	Brother	28		X	Same as #1
4	Alton Krohn Jr.	Brother	19		X	Same as #1
5	Stephen Krohn	Brother	25		X	Malstrom AFB, MT
6	Patricia Krohn	Exwife	35		X	Post Road, Madison, MS
7	M/M Robert R. Royals	Firend	41	X		3009 Navajo Cir., Hattiesburg, MS
8	Patricia R. Chauffe	Firend	30			P.O. Box 176, Grosse Tete, LA
9	Theresa B. McDonald	Friend	26			Gen. Del., Rosedale, LA
10	M/M Kenneth Honeycutt	Cousin	27	X		160 Linda Circle, Ocean Spgs., MS
11	M/M Philip H. Graves	Uncle	54	X		521 Clark Ave., Ocean Spgs., Miss.
12						
13	Approved: L. Mc[illegible]					
14						
15						

2782

Dt	Code	Dt	Code	Dt	Code	Dt	Code	Dt	Code	Dt	Code	Dt	Code	Dt	Code
1/19	67	5/20	6	1/24	6,7										
1/2[illegible]	[illegible]	7/3	6	2/1	2,4										
2/7	12	7/5	6	2/7	6										
2/21	6	8/2	7	2/14	1										
3/11	6	8/16	6	2/15	6										
3/22	7	8/29	2,1	3/6	6										
4/12	7	9/12	6.	3/7	6										
4/14	12	9/13	7	3/13	6										
5/16	6	9/26	6	5-2	7-9										
5/17	6	9/30	6	6/6	8										
5/24	7	11/11	6												
5/29	6	11/21	6, 11												
5/30		12/19	6												
6/14	6	1/3	6												

EXHIBIT NO. D-25 EKLO
CAUSE NO. 85-2001(2)
WITNESS —
PAGES 1

FEB 04 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT
Dan Scott REPORTER

EXHIBIT NO. G-26 EFID
CAUSE NO. H85-00012(L)
WITNESS —
PAGES 3

FEB 04 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Vone Scott REPORTER

[illegible]

GOVERNMENT EXHIBIT 27

GOVERNMENT EXHIBIT
27

Honorable Walter L. and Barbara C. Nixon

PERSONAL FINANCIAL STATEMENT

December 31, 1982

MOORE & POWELL
CERTIFIED PUBLIC ACCOUNTANTS

MEMBER
AMERICAN INSTITUTE OF CPAS
MISSISSIPPI SOCIETY OF CPAS

CHARLES [illegible] MOORE, C.P.A. [illegible]
SANDFORD E. POWELL, C.P.A. [illegible]
[illegible] C.P.A.
THOMAS E. [illegible] C.P.A.
STEPHEN W. STEWART, C.P.A.
CHRISTOPHER J. [illegible], C.P.A.
ROBERT J. PARKER, C.P.A.
STEVEN A. [illegible], C.P.A.

RITA E. TOLLISON, C.P.A.
JOHN WHITE, C.P.A.
CYNTHIA G. [illegible], C.P.A.
GARY L. [illegible], C.P.A.
STEVEN [illegible], C.P.A.

TELEPHONE [illegible]
P. O. DRAWER A — 1100 WEST HOWARD
BILOXI, MISSISSIPPI [illegible]

TELEPHONE [illegible]
P. O. BOX 1271 — [illegible] MAIN STREET
BAY ST. LOUIS, MISSISSIPPI [illegible]

TELEPHONE [illegible]
P. O. BOX [illegible] — [illegible] EAST CANAL
PICAYUNE, MISSISSIPPI [illegible]

February 18, 1983

Hon. Walter L. and Barbara C. Nixon
P.O. Drawer A
Biloxi, MS 39533

We have compiled the accompanying personal financial statement with related schedules of Walter L. and Barbara C. Nixon as of December 31, 1982 in the accompanying prescribed form in accordance with standards established by the American Institute of Certified Public Accountants.

The financial statement and related disclosures are presented in accordance with the requirements of the Federal Reserve Bank of Atlanta which differ from generally accepted accounting principles when this form is applied to an individual. Accordingly, the financial statement is not designed for those who are not informed about such differences.

Our compilation was limited to presenting in the form prescribed by the Federal Reserve Bank information that is the representation of the owners. We have not audited or reviewed the financial statements referred to above and, accordingly, do not express an opinion or any other form of assurance on them. However, we did become aware of a departure from the requirements of the prescribed form as described in the following paragraph.

The individuals represented have elected to present the values in the accompanying statement at estimated market values, in an attempt to reflect current net worth. Generally accepted accounting principles require personal financial statements be shown in a two column format with one column representing cost, the other market. Among the disclosures required are notes explaining the basic assumptions used to formulate the statements; an estimate of the income tax liability that would result from disposition of assets at market value; and an estimate of any additional income taxes that may be owed for the current year. If the omitted disclosures were included in the financial statement, they might influence the user's conclusions about the owner's financial position, accordingly, the financial statement is not designed for those who are not informed about such matters.

Moore & Powell

PERSONAL FINANCIAL STATEMENT

(Suggested by Federal Reserve Bank of Atlanta)

Name Walter L. and Barbara C. Nixon To The Mississippi Bank

Address P. O. Drawer A, Biloxi, MS 39533 P. O. Box 979, Jackson, MS 39205

I make the following statement of all my assets and liabilities as of the 31st day of December, 19 82, and other material information for the purpose of obtaining credit with you on notes and bills bearing my signature, endorsement, or guarantee, and agree to notify you promptly of any change affecting my ability to pay.

(PLEASE ANSWER ALL QUESTIONS, USING "NO" OR "NONE" WHERE NECESSARY)

	ASSETS			LIABILITIES AND NET WORTH	
1	Cash On hand and unrestricted in banks (See Sched. No. 1)	$ 23,412.38	18	Notes Payable to Banks, Unsecured Direct borrowings only (See Sched. No. 1)	$ -0-
2	U. S. Government Securities (Guaranteed)	-0-	19	Notes Payable to Banks, Secured Direct borrowings only (See Sched. No. 1)	100,000.00
3	Government Agencies Securities	-0-	20	Notes Receivable, Discounted With banks, finance companies, etc. (See Sched. No. 1)	-0-
4	Accounts and Loans Receivable (See Sched. No. 2)	-0-	21	Notes Payable to Others, Unsecured See Sched 1	1,000.
5	Notes Receivable, Not Discounted (See Sched. No. 2)	-0-	22	Notes Payable to Others, Secured	-0
6	Notes Receivable, Discounted With banks, finance companies, etc. (See Sched. No. 2)	-0-	23	Loans Against Life Insurance (See Sched. No. 3)	12,649.
7	Life Insurance, Cash Surrender Value (Do not deduct loans) (See Sched. No. 3)	39,042.00	24	Accounts Payable See attached	21,269.43
8	Stock and Securities Other Than Guaranteed U. S. Gov't and Gov't Agencies (See Sched. No. 4)	99,425.00	25	Interest Payable	-0-
9	Real Estate Registered in own name (See Sched. No. 5)	322,500.00	26	Taxes and Assessments Payable (See Sched. No. 5)	1,418.49
10	Automobiles Registered in own name See list attached.	33,350.00	27	Mortgage Payable on Real Estate (See Sched. No. 5)	-0-
11	Other Assets (Itemize) See attached list.	342,495.46	28	Brokers Margin Accounts (See Sched. No. 7)	-0-
12			29	Other Liabilities (Itemize)	-0-
13	Sub Total $ 860,224.84		30		
14	Less Line No. 31 $ 136,336.92		31	Total Liabilities	136,336.9
15	Net Worth (To be shown on line no. 33) $ 723,887.92		32		
16			33	Net Worth (From line no. 15)	$ 723,887.9
17	TOTAL ASSETS	$ 860,224.84	34	TOTAL LIABILITIES and NET WORTH (Line 31 plus line 33)	$ 860,224.8

SOURCE OF INCOME	
Salary	$ 73,100.00
Bonus and commissions	$ -0-
Dividends See Schedule #4	$ 5,736.75
Real Estate income	$ -0-
Other income – itemize See Schedule for Item #11 — Other Assets	$ 50,946.33
TOTAL	$ 129,783.08

PERSONAL INFORMATION

Business or occupation Chief U. S. District Judge, Southern District of Mississi Age

Partner or officer in any other venture See Schedule for Item #11 — Other Assets

Married X Dependent Children 4

Single Other Dependents 0

CONTINGENT LIABILITIES	
As endorser or co-maker	$
On leases or contracts	$
Legal claims	$
Provision for Federal Income Taxes	$
Other special debt	$

GENERAL INFORMATION

Are any assets pledged? Yes

Are you defendant in any suits or legal actions? No

Have you ever made a compromise settlement? Explain: No

Have you ever taken bankruptcy? Explain: No

SUPPLEMENTARY SCHEDULES

No. 1 Banking Relations (A list of all my bank accounts, including savings, and loans)

Name and Location of Bank	Cash Balance	Amount of Loan	Maturity of Loan	How Endorsed, Guaranteed, or Secu
ee attached Schedule #1				

SEE ACCOUNTANTS' COMPILATION REPORT.

See Other Side

No. 2 Accounts Loans and Notes Receivable (A list of the largest amounts owing to me)

Name and Address of Debtor	Amount Owing	Age of Debt	Description of Nature of Debt	Description of Security Held	Date Payme Expected

No. 3. Life Insurance. -- See attached Schedule No. 3

Name of Person Insured	Name of Beneficiary	Name of Insurance Co.	Type of Policy	Face Amount of Policy	Total Cash Surrender Value	Total Loans Against Policy	Amount of Yearly Premium	Is Polic Assigne

No. 4. Stocks and Securities Other Than Guaranteed U. S. Government Securities and Government Agencies.

Face Value (Bonds) No. of Shares (Stocks)	Description of Security	Registered in Name of	Cost	Present Market Value	Income Received Last Year	To Whom Pledge
See attached Schedule No. 4						

. 5. Real Estate. The legal and equitable title to all the real estate listed in this statement is solely in the name of the undersigned, except as follows: _____

Description or Street No.	Dimensions or Acres	Improvements Consist of	Mortgages or Liens	Due Dates and Amounts of Payments	Assessed Value	Present Market Value	Unpaid Taxe	
							Year	Amou
See attached Schedule No. 5								

No. 6. I buy goods principally from: N/A

Name	Address	Name	Address

No. 7. Brokers Margin Accounts. List the names and addresses of the brokers and indicate the net amount due to each:

N/A

No. 8. Insurance Coverage. Fire Insurance: Buildings $ 286,000 , Automobile(s), Household Effects, etc. $ 130,000
Indicate if policies have extended coverage endorsement: Auto policy--yes ; Liability Insurance: Automotive $ 1,650,0
Personal $ 300,000 , General Public $ _____ ; Other Insurance (describe): Uninsured motorist $1,610,
llision $100 deductible; Medical; Jewelry $30,285; Furs $2,000; Sports Equipment $7,959.98
Date of latest independent analysis of insurance: 10/21/82 ; Indicate adequacy of coverage: Adequate

The undersigned certifies that each side hereof and the information inserted herein have been carefully read and is true and correct.

Date February 11, 1983 Signed Walter J. Mian Jr.

SEE ACCOUNTANTS' COMPILATION REPORT.

Schedule No. 1 -- Banking Relations

Name and Location of Bank	Cash Balance	Amount of Loan	Maturity of Loan	How Endorsed, Guaranteed or Secured
First Miss. Nat'l Bank Biloxi, Mississippi (checking account)	$ 4,562.34			
The Peoples Bank of Biloxi Biloxi, Mississippi (checking account)	18,850.04			
First Miss. Nat'l Bank Biloxi, Mississippi (IRA) (Barbara C. Nixon)	1,050.00			
First Miss. Nat'l Bank Biloxi, Mississippi (IRA) (Walter L. Nixon Jr.)	175.00			
CommonWealth Bank Poplarville, Mississippi (Money Market Certificate)	10,000.00			
W. R. Fairchild Construction Co., Ltd. Hattiesburg, Mississippi		$ 1,000.00	2/25/83	Promissory note signed by Walter L. Nixon, Jr. (unsecured)
The Mississippi Bank Jackson, Mississippi		100,000.00	12/19/87	Secured by Deed of Trust on Lots 20 and 21, Davidson Hills Subdivision, Jackson County, Mississippi
	$34,637.38	$101,000.00		

*Also see Schedule No. 3 -- Life Insurance

Schedule No. 3 -- Life Insurance

Name of Person Insured	Name of Beneficiary	Name of Insurance Co.	Type of Policy	Face Amt. of Policy	Total Cash Surrender Value	Total Loans Against Policy	Amt. of Yearly Premiums	Is Policy Assigned?
Walter L. Jr.	Barbara & Courtney (1/2 each)	FEGLI Program	Group	$68,000	-0-	-0-	$393.12	No
Walter L. Jr.	Barbara	Metropolitan Life Ins. Co.	20-yr pay.	2,500	$5,930	$1,070	107.04	No
Walter L. Jr.	Walter III	GI Gov't	30-yr end.	10,000	6,210	2,700	--	No
Walter L. Jr.	Karen	Lamar Life	End. at 85	10,000	8,770	4,056	243.40	No
Walter L. Jr.		American Nat'l	Paid up	540	-0-	-0-		No
Walter L. Jr.	Walter IV & Courtney (1/2 each)	Franklin Life	Whole life	20,000	7,554	3,012	517.24	No
Walter L. Jr.	Barbara	Franklin Life	Whole life	20,000	7,058	1,811	383.40	No
Walter L. Jr.	Barbara	Franklin Life	Whole life + $22,000 3-yr term	10,000	3,520	-0-	596.60	No
Barbara C.	Barbara ($10,000) Joseph R. Shelly M. Shaya M. Sherriee S. Courtney ($2,000 each)	Metropolitan	$10,000 permanent life + $10,000 term	20,000	-0-	-0-	365.80	No
					$39,042	$12,649		

Schedule No. 4 -- Stocks and Securities Other Than Guaranteed U. S. Government Securities and Government Agencies

No. of Shares (Stocks)	Description of Security	Cost	Present Market Value	Income Received Last Year
900	Professional Drug Company (Class A Common)	$1,700	$5.75 per share for each class of stock --	
10,600	Professional Drug Company (Class B Common)	3,200	$66,125.00	$4,932.00
111	The Peoples Bank of Biloxi	3,000	33,300.00	804.75
			$99,425.00	$5,736.75

All the foregoing stocks are registered in the name of Walter L. Nixon, Jr.
None of the foregoing stocks are pledged.

Item No. 10 -- Automobiles

1981 Cadillac DeVille	$11,275.00
1979 Oldsmobile Cutlass	5,450.00
1978 Buick Electra	6,425.00
1976 Mercedes Benz	10,200.00
	$33,350.00

Item No. 11 -- Other Assets

Jewelry (See Attachment A)	$30,285.00
Furs (See Attachment A)	2,000.00
Sports Equipment (See Attachment B)	7,959.88
Household Furniture	50,000.00
	$90,244.88

Investments:

1. Interest in net assets of Gutierrez & Nixon Partnership

   A summary of the net assets of the partnership as of December 31, 1982, follows:

Assets	
Land	$18,000
Liabilities	-0-
NET ASSETS	$18,000
Interest in net assets	$ 5,974

2. Interest in net assets of Nixon Enterprises, Inc.

   A summary of the net assets of the corporation as of December 31, 1982, follows:

Assets	
Cash on hand	$ 1,812.23
Land, Building and Equipment	225,000.00
Advance to Stockholder	41,052.00
TOTAL ASSETS	267,864.23
Liabilities	
City and county taxes	1,785.65
Net Worth, December 31, 1982	266,078.58
Less Advance to Stockholder	41,052.00
INTEREST IN NET ASSETS	$225,026.58

*Walter L. Nixon, Jr., owns all the outstanding stock of the corporation, for which his basis is $34,021.

Item No. 11 -- Other Assets (Continued)

Oil, Gas and Mineral Interests

1. W. R. Fairchild Construction Co., Ltd.
   C. E. Wilkie Gas Unit 28
   Mobile County, Alabama
   Royalty Interest -- .0005665

2. W. R. Fairchild Construction Co., Ltd.
   Getty Oil Company Rogers 28-11 Well
   Marion County, Mississippi
   Royalty Interest -- .00057595

   Investment in Wilkie #28 and Rogers 28-11: $ 9,500.00

3. Fairchild - Windham Exploration
   L. D. Ross Well
   Royalty Interest -- .008115785

   Investment: 4,500.00

4. Pattison Petroleum Corporation
   Clemens Well #1
   Working Interest -- 2.5%

   Investment: 6,250.00

5. Pointe Coupee Parish, Louisiana

   1.924 royalty acres being an undivided 1/6th of 1/20th of 1/32nd mineral royalty interest affecting 924 acres in: Tract 1: 638.8-acre tract of land in Section 78, Township 4 South, Range 8 East, and Tract 2: 285.12-acre tract of land in Section 79, Township 4 South, Range 8 East.

   Investment: 1,000.00

$21,250.00

1.	14K yellow gold Scales of Justice stick pin set with one - .3pt diamond......	$
2.	14K yellow gold hammered gold cuff bracelet .29 DWT	$1450
3.	Pair of 14K yellow gold hammered gold earrings	$125
4.	14K yellow gold 5/8" wide brick design bracelet	$110
5.	14K yellow gold tube bracelet set with five - .10 pt. diamonds in buttercup settings	$900.
6.	14K yellow gold cluster ring set with 14 diamonds approximately ½ ct.......	$850.
7.	14K yellow gold cross set with 16 diamonds approximately 2½ cts.............	$250
8.	Five dollar Indian Head gold coin set in a 14K yellow gold pendant frame with an 18" Byzantine chain	$750.
9.	Lady's 14K white gold Longines bracelet watch set with diamonds	$400
10.	Lady's diamond solitaire set with 1 marquise diamond weighing 1.54 ct. set in a 14K yellow gold 10MM tapered band	$750
11.	Lady's 14K yellow gold Longines bracelet watch case #860860/222.............	$200
12.	Ivory pendant in 18K yell— gold setting	$300.
13.	Lady's 14K yellow gold heart-shaped pendant set with a 1.10 ct. heart shaped diamond	$500
14.	Gent's 14K yellow gold Seiko Quartz watch case #7800.8069	$695.
15.	Gent's Mido Ocean Star watch in white stainless steel case #24681C4. Dial set with 12 diamonds. Attached silver and turquoise band marked Zuni N.W.W.QUAM	$850.
16.	Turquoise neck piece contains 22 large nuggets with Bird of Paradise 85 X 45 MM and small hishi beads between nuggets with silver attachments ..	$4
17.	Silver bracelet 35 mm wide with turquoise and coral inlay	$165
18.	One Gent's 14K white gold square face diamond Angelus watch with mesh band..	$90
19.	One 14K yellow gold knot ring with diamond solitaire	$40
	JEWELRY TOTAL	$30,28

FUR SCHEDULE:

1.	One Blue Fox Jacket	$2000.00

ATTACHMENT A -- ITEM No. 11 -- OTHER ASSETS

Schedule of Sports Equipment:

1.	Remington 742 Woodmaster .308 automatic rifle #206077 with	$ 168.
2.	Variable Tasco Scope	40.
3.	Browning BAR 30.06 Rifle	344.
4.	#25147 M8 2 x 7 with 4 ply Redfield wide lens scope	114.
5.	Remington Model 742 Woodmaster .308 auto rifle	168.
6.	#6963451 with Weaver K4-F scope	48.
7.	10 ga. magnum ITHACA shotgun #1 00002406	439.
8.	Winchester Super X Model 1 Ducks unlimited Commemorative shotgun #1DU0102	1,500.
9.	Hunter Arms Co. "Hunter's Special" .410 ga. double barrel shotgun #167843	500
10.	Browning light 20 ga. over & under shotgun #60173V70 Browning Superposed 20 ga. Belgium Mfg.	1,095
11.	ITHACA 12 ga. double barrel shotgun #97909	300
12.	Remington 1100 20 ga. auto shotgun #L542161X	191
13.	Remington 1100 12 ga. Shotgun #257025V	191.
14.	Remington 1100 12 ga. quto shotgun #122161V	191.
15.	12 ga. Browning 3" magnum "Buck Special" automatic shotgun	340.
16.	#0V26812 with 1 power Weaver scope	31
17.	Remington 12 ga. 3" magnum auto shotgun #470564M	206
18.	Remington 1100 12 ga. shotgun #M035044V	191
19.	16 Ga. Browning auto shotgun #90979	288
20.	Light 12 ga. Browning auto shotgun #298174	434
21.	Model 241 Remington 22 Cal. automatic rifle #3522	75
22.	Model 6 Remington Single shot 22 cal. rifle #411913	35
23.	Model 592M Remington Bolt Action 22 Cal. Rifle #1050622	72
24.	Model 57 S & W .41 Magnum Revolver #N134578	210
25.	Colt "Agent" .38 Cal. Snub Nose Revolver #162086 LW	137
26.	Colt "Official Police Heavy Barrel" .38 cal. Revolver #632943H	132
27.	Charter Arms Undercover .38 Special revolver #259392	85
28.	Remington Model 11 12 ga. auto shotgun #298173	125
29.	Winchester bolt action rifle model 70XTR [illegible] w/ wide field Redfield scope 2 X 7	300.
		$7,959

ATTACHMENT B -- ITEM No. 11 -- OTHER ASSETS

LIABILITIES AND NET WORTH

Item No. 24 -- Accounts Payable (Itemized)

Kenneth A. Ladner Refrigeration, Inc.	$ 1,157.89
Thomas R. Compton Architect	895.80
Electronic Services	50.40
Mississippi Security Consultants, Inc.	22.31
Lighthouse Marble Works	3,055.50
Mississippi Coast Supply Co., Inc.	1,864.38
Alex Lindsey & Son Auto Repair	85.43
MasterCard	608.73
VISA	162.00
USAA (auto insurance)	281.97
Bankston-Collins Insurance Co.	502.50
Mercy Cross High School Building Fund (pledge)	300.00
Robert Stockett, Jr. (1981 Cadillac)	12,150.00
Internal Revenue Service (Household employees quarterly taxes)	132.52
	$21,269.43

SOURCE OF INCOME

Other Income -- Itemize

Royalties from oil, gas and mineral interests:

Amounts shown are amounts received during 1982.

C. E. Wilkie Gas Unit 28 and Getty Oil Company Rogers 28-11 Well	$30,431.95
L. D. Ross Well	17,846.55
Clemens Well #1	2,667.83
	$50,946.33

(No royalties were received during 1982 from Pointe Coupee Parish, Louisiana, investment.)

GOVERNMENT EXHIBIT 28

In recent days my name has been headlined by the media in connection with a special grand jury in session in Hattiesburg. Published news reports, which quote unidentified "sources", have suggested or implied that I may have acted improperly in purchasing some oil and gas interests from Mr. Wiley Fairchild; nothing could be further from the truth.

I did not comment to the press prior to my appearance before the grand jury. I wanted the grand jury to hear firsthand all facts and information in my possession, and I felt that premature comments to the press by a judicial officer would be inappropriate. I voluntarily appeared before the grand jury on Wednesday afternoon. Now that this has taken place, I do not believe I should be expected to sit back and not respond to totally unfounded and false suspicions which have been widely published and distributed.

The facts are that in approximately the early part of 1980 I had an opportunity to purchase from Fairchild companies some interests in two wells being drilled in Mississippi and one in Alabama. My total investment was $9,500.00, plus interest. The papers were delivered to me some months later. I paid what I believed to be a fair price. When the purchase was finalized, I reported the details on my financial statements which are open to public inspection. The conveyances to me were duly recorded in the public records. That represents the sum and substance of what occurred. It was a normal and straightforward business transaction.

GOVERNMENT EXHIBIT

I have read in the newspapers of a reported investigation of the handling of state drug cases against Mr. Drew Fairchild and others. The history of these cases can be provided by state authorities. I do not know Mr. Drew Fairchild; I have in no way participated in federal proceedings against other alleged participants with Mr. Drew Fairchild; I have never discussed the Drew Fairchild matter with Wiley Fairchild or any persons associated with the Fairchild companies; I never attempted to influence the handling of any aspect of the case; I have had absolutely nothing to do with any phase of the Drew Fairchild affair.

I have served as a Federal Judge for sixteen years and have done everything in my power to serve honorably and capably. I am w Chief United States District Judge for the Southern District of Mississippi with awesome responsibilities. Both as a judge and as a private citizen I stand ready to continue to cooperate in every appropriate way with this and any other investigation. While I expect no special treatment from the media, I believe that responsible reporters and journalists would agree that no citizen's name and reputation should be tarnished by false insinuations. Certainly the judicial office which I am privileged to hold should not be wrongfully subjected to doubt or distrust.

This statement is being issued so that speculation can end and the true facts can be known. I hope the media will respect my request not to be asked to comment further until the investigation 's concluded. All of us should afford the government the opportunity to complete its investigation without undue publicity.

Statement of Judge Walter L. Nixon, Jr.
Issued by
William F. Goodman, Jr.
Watkins & Eager
Jackson, MS

at Hattiesburg
July 19, 1984 1:00 p.m.

EXHIBIT NO. G-28 EVID
CAUSE NO. H85-00012(L)
WITNESS Walter L. Nixon, Jr.
PAGES 3

FEB 07 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Anne Scott REPORTER

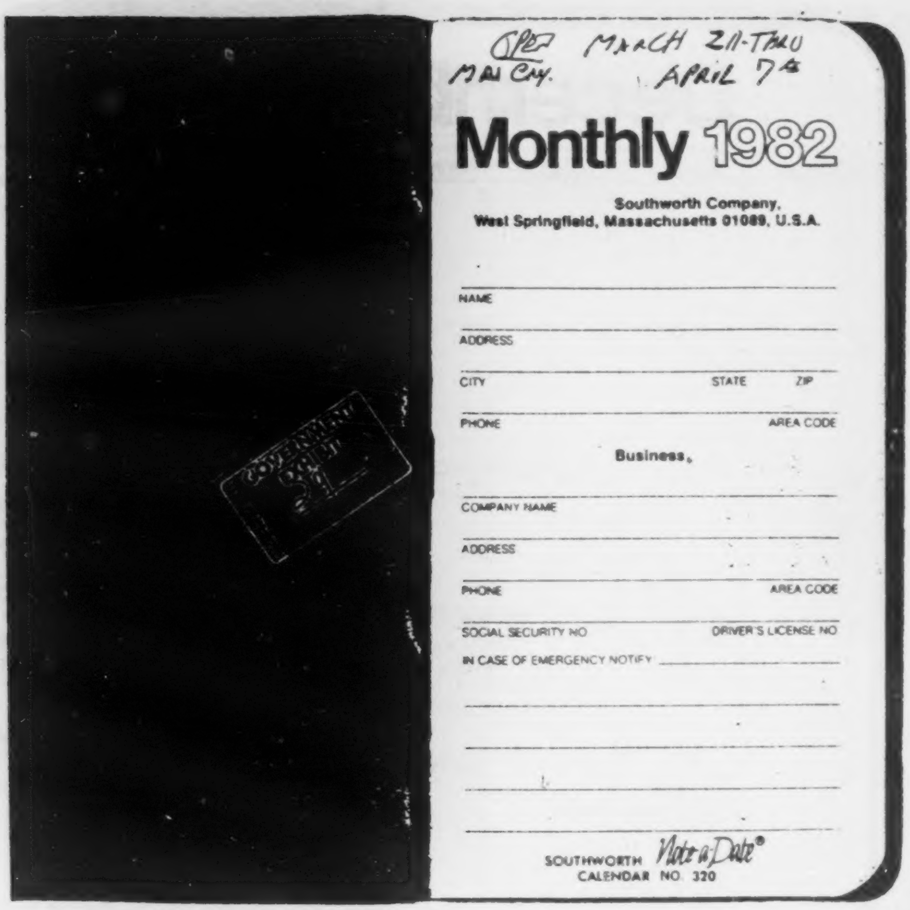
Schedule No. 5 -- Real Estate

Description or Street No.	Dimensions or Acres	Improvements Consist of	Mortgages or Liens	Due Dates/ Amounts of Payments	Assessed Value	Present Market Value	Unpaid Taxes Year	Unpaid Taxes Amount
Lot 19 Davidson Hills Ocean Springs Jackson Co., MS	75'x184'x 132'x167.8'	None	None		$39,000	$39,000	1982 (City Taxes)	$146.15
Lot 20 Davidson Hills Ocean Springs Jackson Co., MS	100'x167.8'x 106.3'x204.3'	Storage Building	The Mississippi Bank (lienholder)	17th each month*	$43,500	$43,500	1982 (City Taxes)	$121.65
Lot 21 1204 Iola Road Davidson Hills Ocean Springs Jackson Co., MS	100'x204.3' x100'x207'	Dwelling	The Mississippi Bank (lienholder)	17th each month $1,053.23*	$210,000	$210,000	1982 (County Taxes) 1982 (City Taxes -- Lots 21 and 22)	$250.02 $798.30
Lot 22 Davidson Hills Ocean Springs Jackson Co., MS	45.8' 67.3'x 207.3'x78' x 211.3'	None	None		$30,000	$30,000	1982 (County Taxes-- Lots 19, 20,	$102.37
					$322,500			$1,418.49

*$100,000 loan at The Mississippi Bank is secured by Deed of Trust on Lots 20 and 21. Payments on this loan are due 17th of each month in amount of $1,053.23 each. Loan maturity date - 12/19/87.

There are no mortgages on the foregoing property.

GOVERNMENT EXHIBIT 29



GOVERNMENT EXHIBIT [illegible]

OPER MARCH 21-THRU
MAI CITY. APRIL 7th

Monthly 1982

Southworth Company,
West Springfield, Massachusetts 01089, U.S.A.

NAME

ADDRESS

CITY STATE ZIP

PHONE AREA CODE

Business

COMPANY NAME

ADDRESS

PHONE AREA CODE

SOCIAL SECURITY NO DRIVER'S LICENSE NO

IN CASE OF EMERGENCY NOTIFY

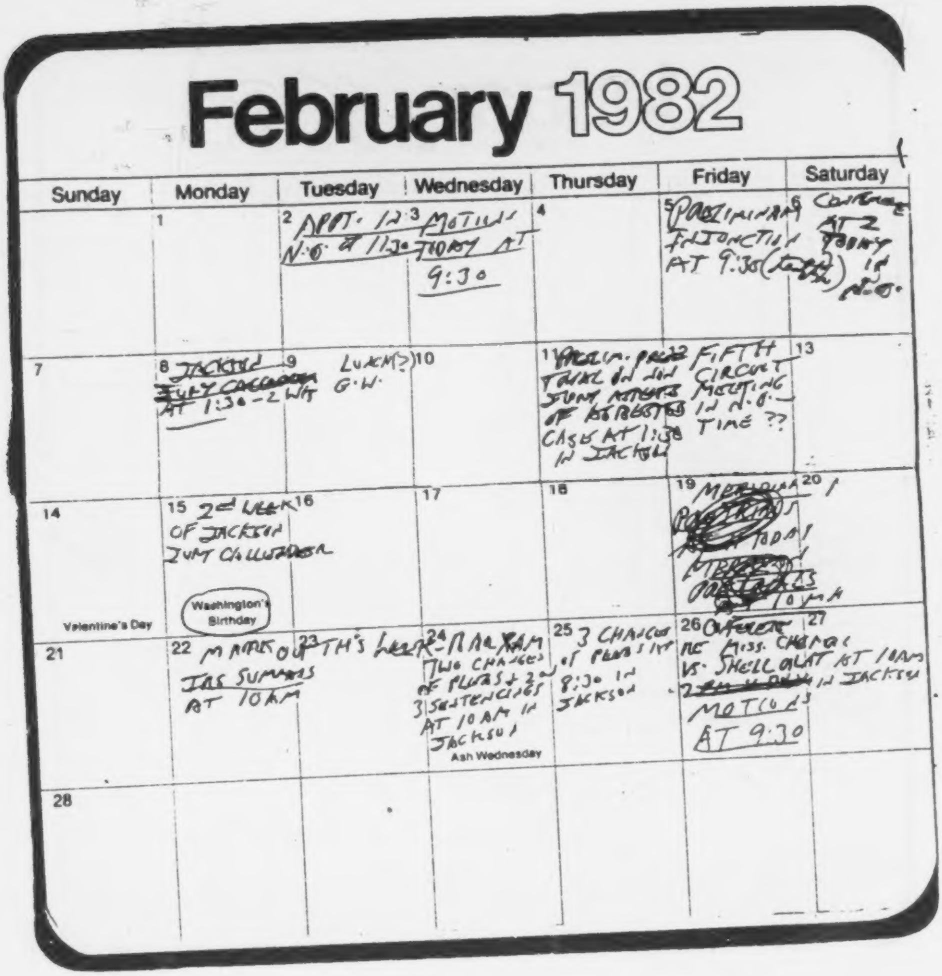
SOUTHWORTH Note-a-Date®
CALENDAR NO. 320

December 1981

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17 Motions [illegible] 9 A.M.	18	19 Miss. Deer Season [illegible] [illegible] Thru Jan. 16th 2nd Lm Duck [illegible]
20	21 Hanukkah	22	23	24	25 Christmas	26 Jan. 20 3rd Duck Season — Thru Jan 11th Boxing Day (U.K., not Scotland)
27	28 Laurie Gutierrez [illegible] Phait [illegible] Tonite 9:30 – [illegible] [illegible]	29	30	31		

January 1982

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 New Year's Day	2
3	4	5	6	7	8 MOTIONS & SPECIAL NATURALIZATION AT 9	9
10	11	12	13	14	15	16 LAST DAY MISS DEER SEASON — GUNS & DOGS
17 MISS. [illegible] SEASON THRU JAN 31st	18 LAST DAY OF ALA-DUCK SEASON	19	20 LAST DAY LA-DUCK SEASON	21	22 MOTIONS TODAY	23
24 31	25	26 PRE TRIAL AT 8:30 AM [illegible] JURY CASES	27	28	29	30



February 1982

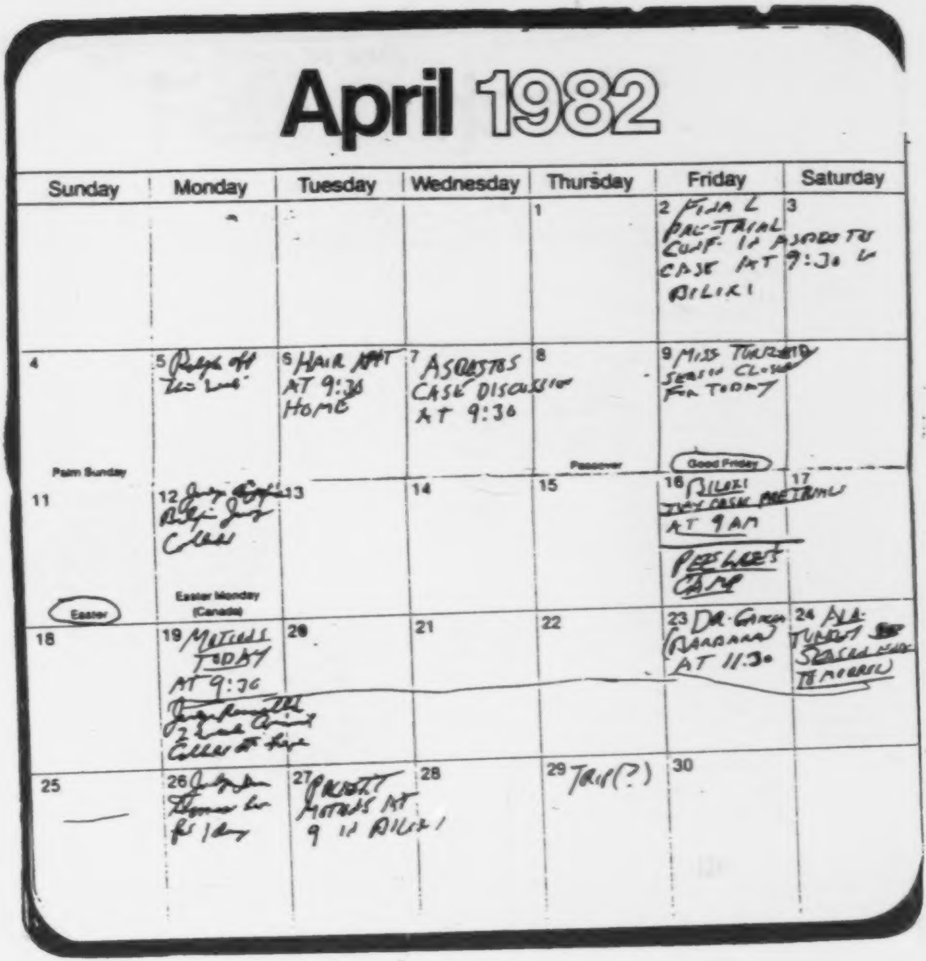
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2 APPT. IN N.O. AT 11:30	3 MOTIONS TODAY AT 9:30	4	5 PRELIMINARY INJUNCTION AT 9:30 ([illegible])	6 CONFERENCE AT 2 TODAY IN N.O.
7	8 JACKSON JURY CHALLENGE AT 1:30 - 2 WKS	9 LUNCH(?) G.W.	10	11 PRELIM. PRETRIAL ON NON JURY ASPECTS OF ASBESTOS CASE AT 1:30 IN JACKSON	12 FIFTH CIRCUIT MEETING IN N.O. — TIME ??	13
14 Valentine's Day	15 2nd WEEK OF JACKSON JURY CHALLENGER Washington's Birthday	16	17	18	19 MERIDIAN ~~PRETRIALS~~ ~~TODAY~~ ~~MERIDIAN~~ ~~PRETRIALS~~ 10 AM	20 /
21	22 MARK OUT THIS WEEK - [illegible] JAS SUMMERS AT 10AM	23	24 TWO CHANGES OF PLEAS + 2 or 3 SENTENCINGS AT 10 AM IN JACKSON Ash Wednesday	25 3 CHANGES OF PLEAS AT 8:30 IN JACKSON	26 CONFERENCE RE MISS. CHEMICAL VS. SHELL OIL AT 10AM IN JACKSON ~~2 PM [illegible]~~ MOTIONS AT 9:30	27
28						

[illegible] 10-13

PADRE OUT MARCH 25-28
APRIL 20-25

March 1982

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 FULL LIB. TO CONSIDER VIDEO TAPES, DEPOS., etc. IN ASBESTOS CASE-BILOXI	2	3	4	5	6
7	8 U.S. vs. PATTERSON + LINDSEY AT 10:30 in BILOXI	9 INTERVIEWS AT 9:30 10:30 & 11:30	10 ~~MOTIONS TODAY~~ MOTIONS TODAY AT 9:30	11 ~~MOTIONS TODAY~~	12 ✓	13
14	15	16	17 MOTIONS TODAY St. Patrick's Day	18	19 McCORMICK PRETRIALS AT 11 TODAY	KA & MISS TOMMY	20 1ST. TURKEY SEASON - THRU APRIL 5 - CLOSED [illegible] 10th THRU
21 Mothering Sunday (U.K.)	22	23	24 SECRETARY INTERVIEWS AT 8:30, 9:15, 10 & 10:45	25 ~~ARGUMENTS AT 9:30 IN [illegible] 11:15 [illegible]~~ CAMPAIGN STEVE BURSICK ~ MAGISTRATE AT 10 AM	26 MOTIONS AT 9:30	27 [illegible] 1 [illegible]
28	29 Judge [illegible] [illegible] ~~[illegible]~~ Hattiesburg [illegible]		31			

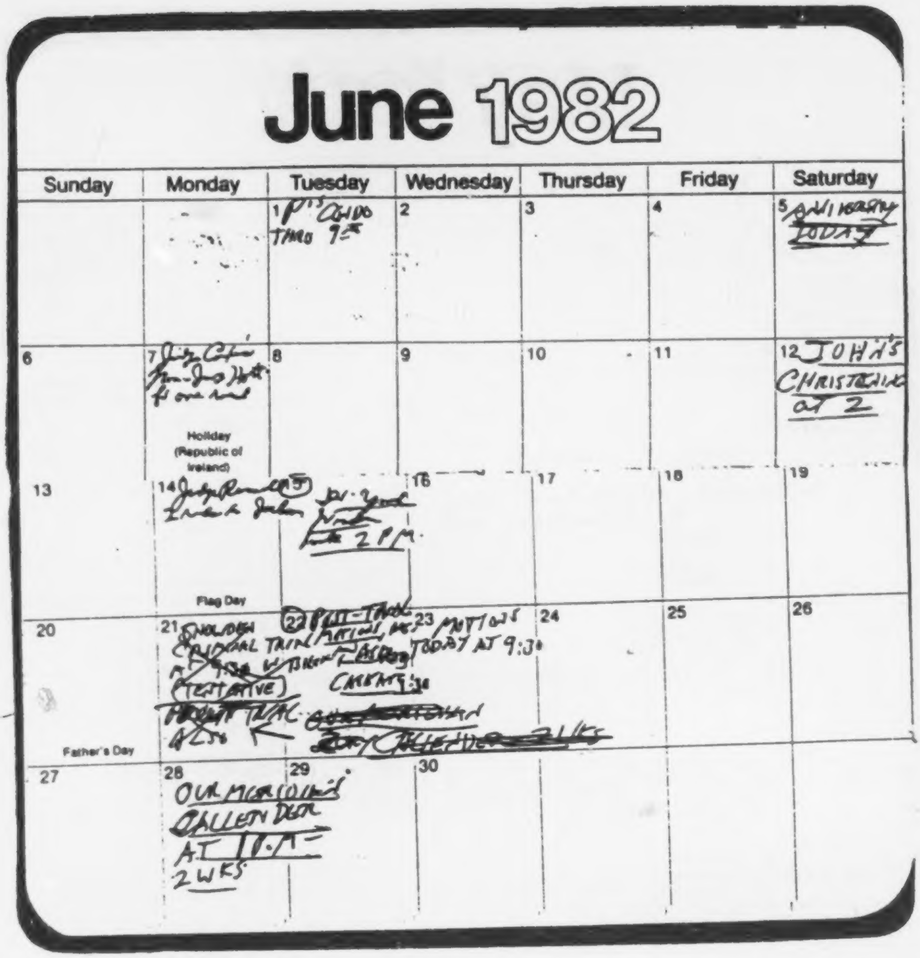


April 1982

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2 FINAL PRE-TRIAL CONF. IN ASBESTOS CASE AT 9:30 IN BILOXI	3
4 Palm Sunday	5 Ralph off [illegible]	6 HAIR APPT AT 9:30 HOME	7 ASBESTOS CASE DISCUSSION AT 9:30	8 Passover	9 MISS [illegible] SEASON CLOSED FOR TODAY Good Friday	
11 Easter	12 Judge [illegible] Ralph [illegible] [illegible] Easter Monday (Canada)	13	14	15	16 BILOXI ~~JURY CASE PRETRIAL~~ AT 9AM PEPS LAKES CAMP	17
18	19 MOTIONS TODAY AT 9:30 [illegible] 2 [illegible] Criminal Cases at [illegible]	20	21	22	23 DR. GARCIA (BARBARA) AT 11:30	24 ALA. TURKEY SEASON [illegible] TOMORROW
25	26 Judge [illegible] Thomas [illegible] for 1 day	27 PRIVATE MOTIONS AT 9 IN BILOXI	28	29 TRIP(?)	30	

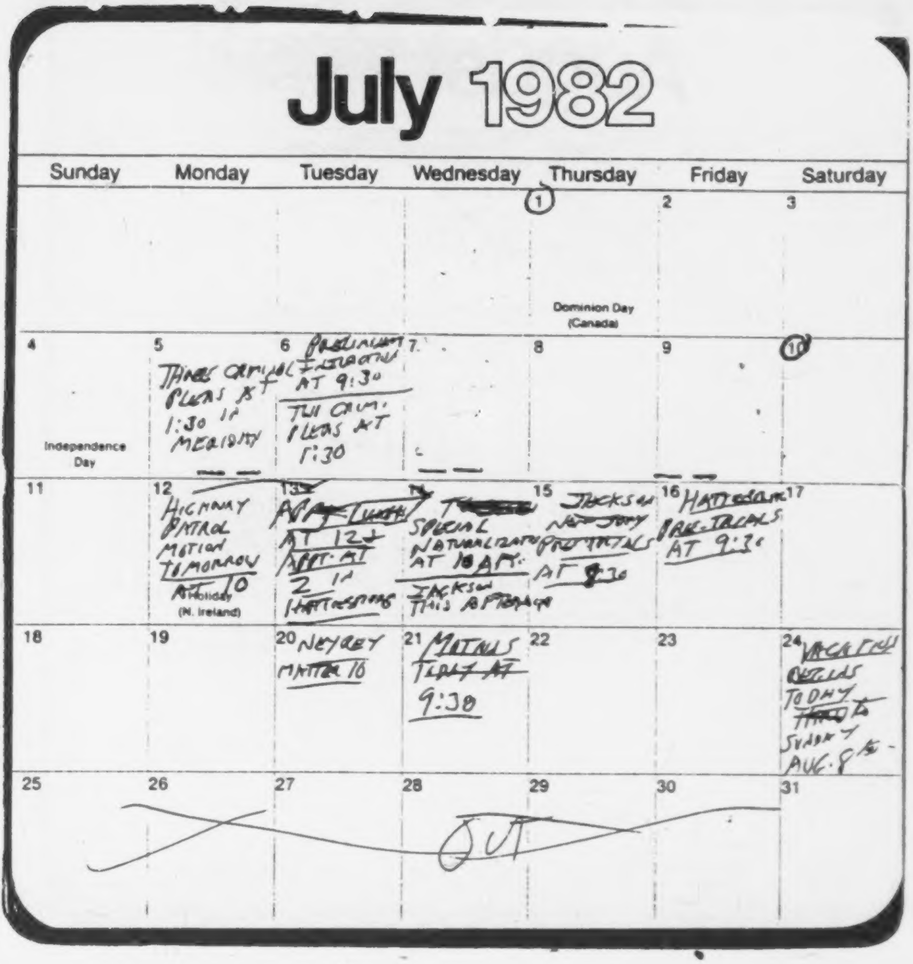
May 1982

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1 LAST DAY OF MISS-TURKEY [illegible]
2 5th Cir. Conf. to Wed. in San Antonio	3 May Day Holiday (U.K.)	4	5	6	7 ~~M[illegible]~~ ~~LAURA'S Cocktail Party~~ ~~& Dinner at 6 & 7:30~~ MERIDIAN	8
9 Mother's Day	10 STATUS [illegible] MAC VS SHEEL IN BILOXI AT 2 P.M ALSO, MOTIONS AT 9:30—ALL DAY	11 Judge Russell [illegible]	12 JURY SELECTION IN ASBESTOS CASE AT 9:30	13	14	15 Armed Forces Day
16	17 TRIAL OF ASBESTOS CASE AT 9:30	18	19	20	21 PETIT [illegible] ARGUMENT AT NOON	22
23	24 CONVOCATION TONITE Victoria Day (Canada)	25 DINNER TONITE	26	27	28	29
30 SURPRISE PARTY- LAURA 6-8 - 905 [illegible] -BC.	31 Memorial Day Spring Holiday (U.K., not Scotland)					



June 1982

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 P's [illegible] THRU 9th	2	3	4	5 ANNIVERSARY TODAY
6	7 Judge [illegible] [illegible] Hotel for one hour Holiday (Republic of Ireland)	8	9	10	11	12 JOHN'S CHRISTENING at 2
13	14 Judge [illegible] [illegible] Jackson Flag Day	15 Dr. [illegible] [illegible] [illegible] 2 PM	16	17	18	19
20 Father's Day	21 SNOWDEN CRIMINAL TRIAL ~~AT 9:30~~ (TENTATIVE) ~~PRETRIAL~~ AT 2:30	22 POST-TRIAL MOTIONS, [illegible] [illegible] CAMERA 1:30 ~~[illegible]~~ ~~[illegible] CALLENDER~~	23 MOTIONS TODAY AT 9:30 ~~2 WKS~~	24	25	26
27	28 OUR MCR(O)IN'S CALLEN DER AT 10 A.M 2 WKS	29	30			

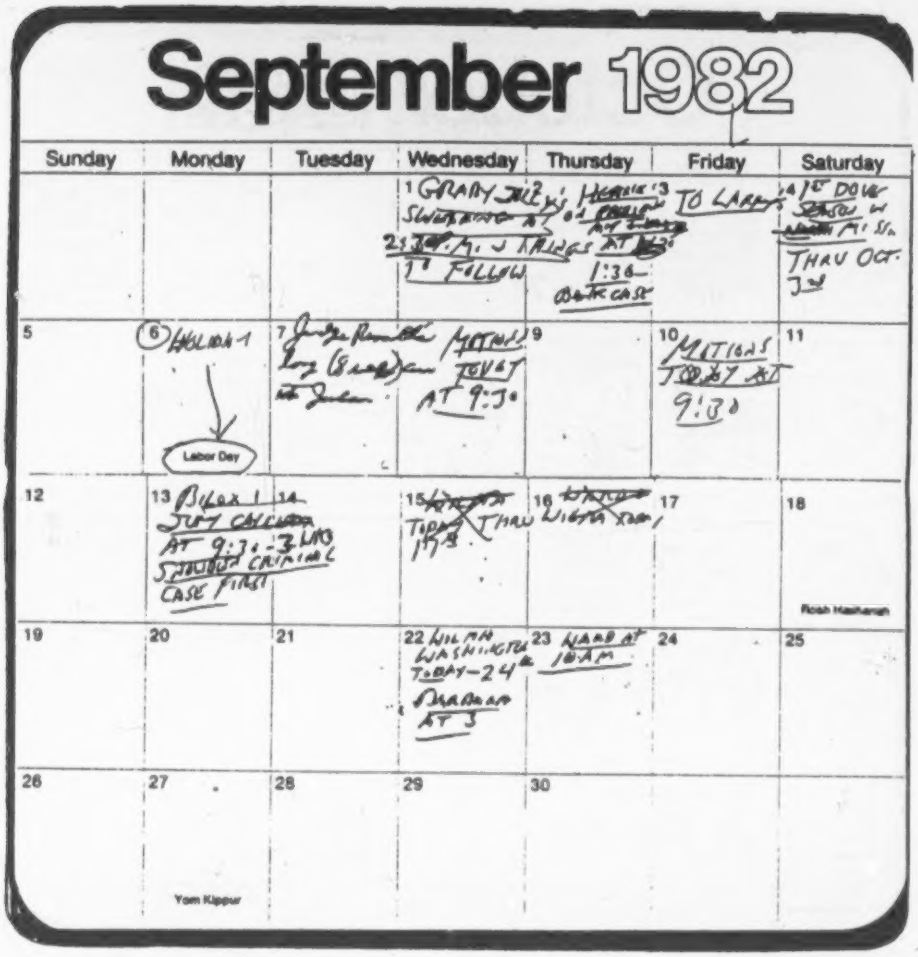


July 1982

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				① Dominion Day (Canada)	2	3
4 Independence Day	5 THREE CRIMINAL PLEAS AT 1:30 IN MERIDIAN	6 PRELIMINARY EXAMINATION AT 9:30 TWO CRIM. PLEAS AT 1:30	7	8	9	⑩
11	12 HIGHWAY PATROL MOTION TOMORROW AT 10 Holiday (N. Ireland)	13 ~~APP~~ LUNCH AT 12½ APPT. AT 2 IN HATTIESBURG	14 T [illegible] SPECIAL NATURALIZATION AT 10 AM. JACKSON THIS AFTERNOON	15 JACKSON NEW JURY PRETRIALS AT 9:30	16 HATTIESBURG PRE-TRIALS AT 9:30	17
18	19	20 NEYREY MATTER 10	21 MATHIS TODAY AT 9:30	22	23	24 VACATION BEGINS TODAY ~~THRU~~ to SUNDAY AUG. 8th -
25	26	27	28 OUT	29	30	31

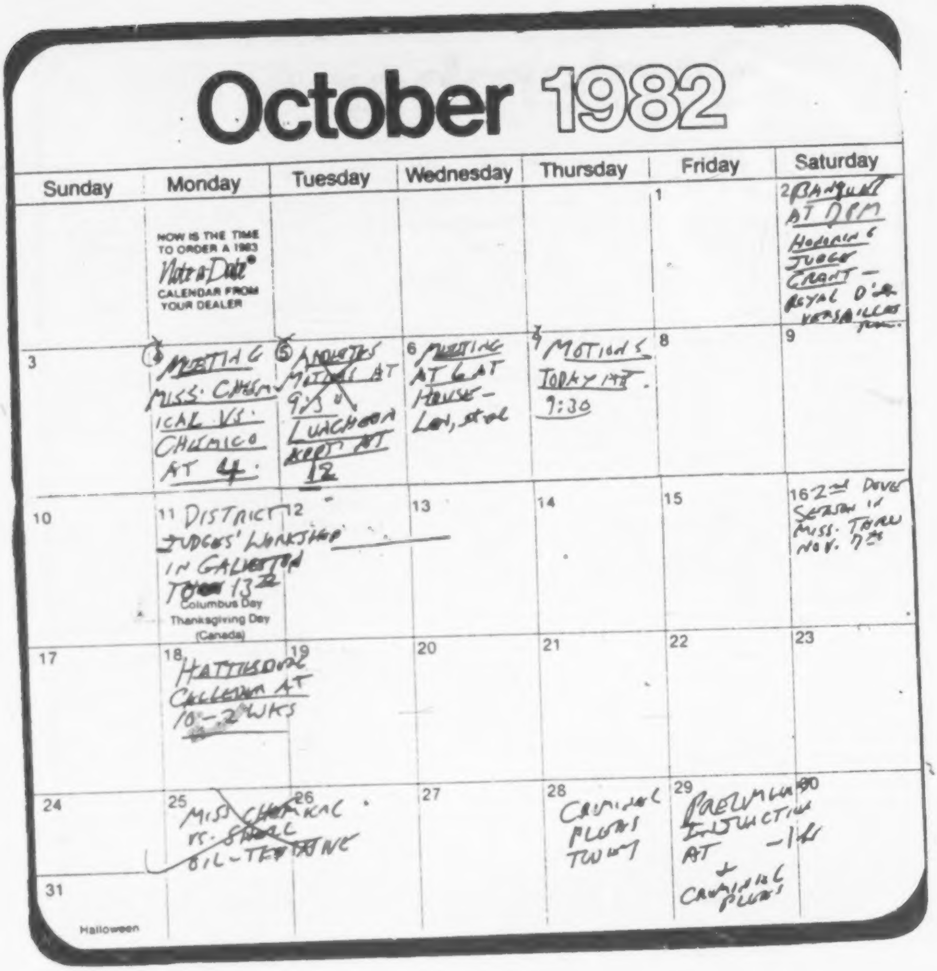
August 1982

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Holiday (Republic of Ireland)	3	4 OUT	5	6	7
8 VACATION ENDS TODAY	9	10	11 MOTIONS TODAY AT 9:30	12 ~~MOTIONS 11 ASBESTOS CASES AT 9:30- STAY: SUMMARY JUDGMENT~~ RULE 12	13	14
15	16 JACKSON NON-JURY CALENDAR AT 10 A.M	17	18 WILMA WASHINGTON AT 5	19 APPT. AT 5 1	20 ~~POSSIBLE 10 ASBESTOS~~ MOTN THIS AFTERNOON ASBESTOSIS MOTION AT PAUL FRANKE- 3-7	21
22	23	24	25	26	27 BARNARD'S APPT. AT 11	28
29	30 Late Summer Holiday (U.K., not Scotland)	31 VICKSBURG PRETRIALS AT 10				



September 1982

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 GRADY JILL? SWEARING AT 2:30 [illegible] M. J. KRINGS 1st FOLLOW	2 HEARING ON [illegible] AT [illegible] AT 1:30 BANK CASE	3 TO LARRY'S	4 1st DOVE SEASON IN [illegible] MISS. THRU OCT. 3rd
5	⑥ HOLIDAY Labor Day	7 Judge Russell Long (Grady) [illegible] to Jackson	MOTIONS TODAY AT 9:30	9	10 MOTIONS TODAY AT 9:30	11
12	13 Biloxi JURY CALENDAR AT 9:30 - 3 WKS SHOULD BE CRIMINAL CASE FIRST	14	15 ~~[illegible]~~ TODAY THRU 17th	16 ~~[illegible]~~ WIGGINS [illegible]	17	18 Rosh Hashanah
19	20	21	22 WILMA WASHINGTON TODAY - 24th BARBARA AT 3	23 WARD AT 10AM	24	25
26	27 Yom Kippur	28	29	30		

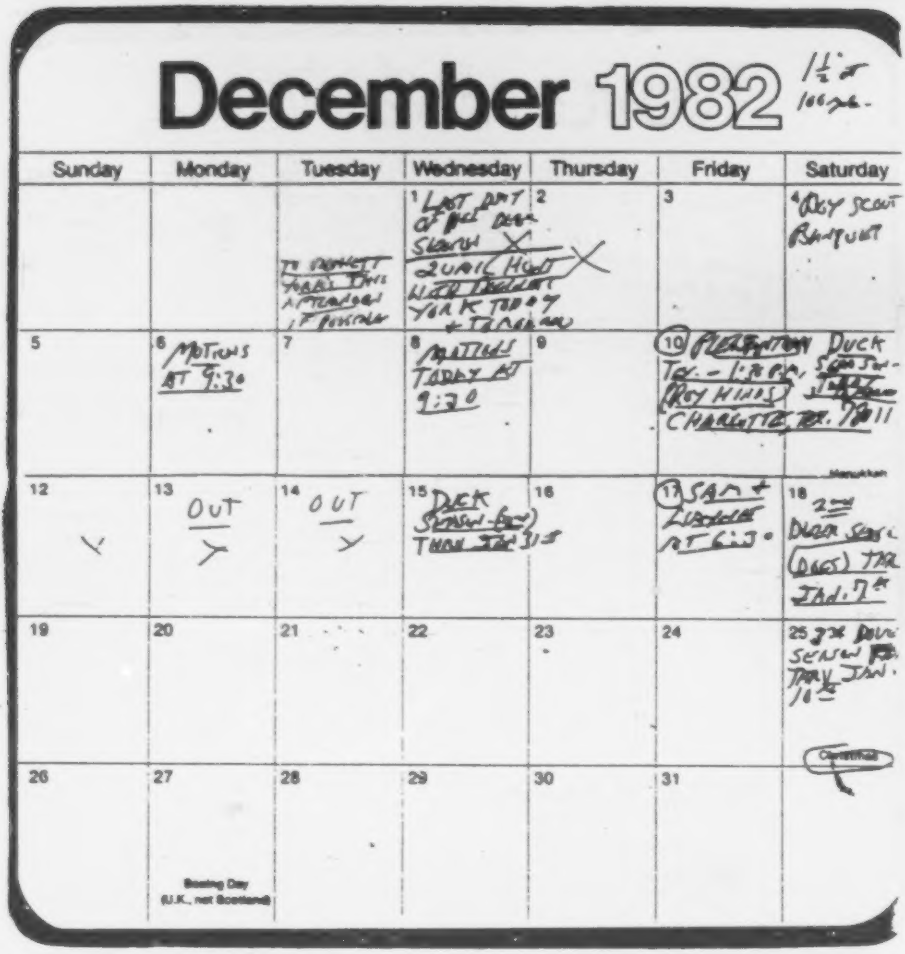


October 1982

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	NOW IS THE TIME TO ORDER A 1983 Note-a-Date® CALENDAR FROM YOUR DEALER				1	2 BANQUET AT 7PM HONORING JUDGE GRANT — ROYAL D'OR VERSAILLES ROOM.
3	④ MEETING MISS. CHEMICAL VS. CHEMICO AT 4.	⑤ ~~ARGUMENTS MOTIONS AT 9:30~~ LUNCHEON KEPT AT 12	6 MEETING AT 6 AT HOUSE — LEN, STEVE	7 MOTIONS TODAY 1ST. 9:30	8	9
10	11 DISTRICT JUDGES' WORKSHOP IN GALVESTON TO [illegible] 13th Columbus Day Thanksgiving Day (Canada)	12	13	14	15	16 2nd DOVE SEASON IN MISS. THRU NOV. 7th
17	18 HATTIESBURG CALENDAR AT 10 — 2 WKS	19	20	21	22	23
24	25 ~~MISS. CHEMICAL VS. SHELL OIL - TEXACO INC~~	26	27	28 CRIMINAL PLEAS TODAY	29 PRELIMINARY INJUNCTION AT -1[illegible] + CRIMINAL PLEAS	30
31 Halloween						

November 1982

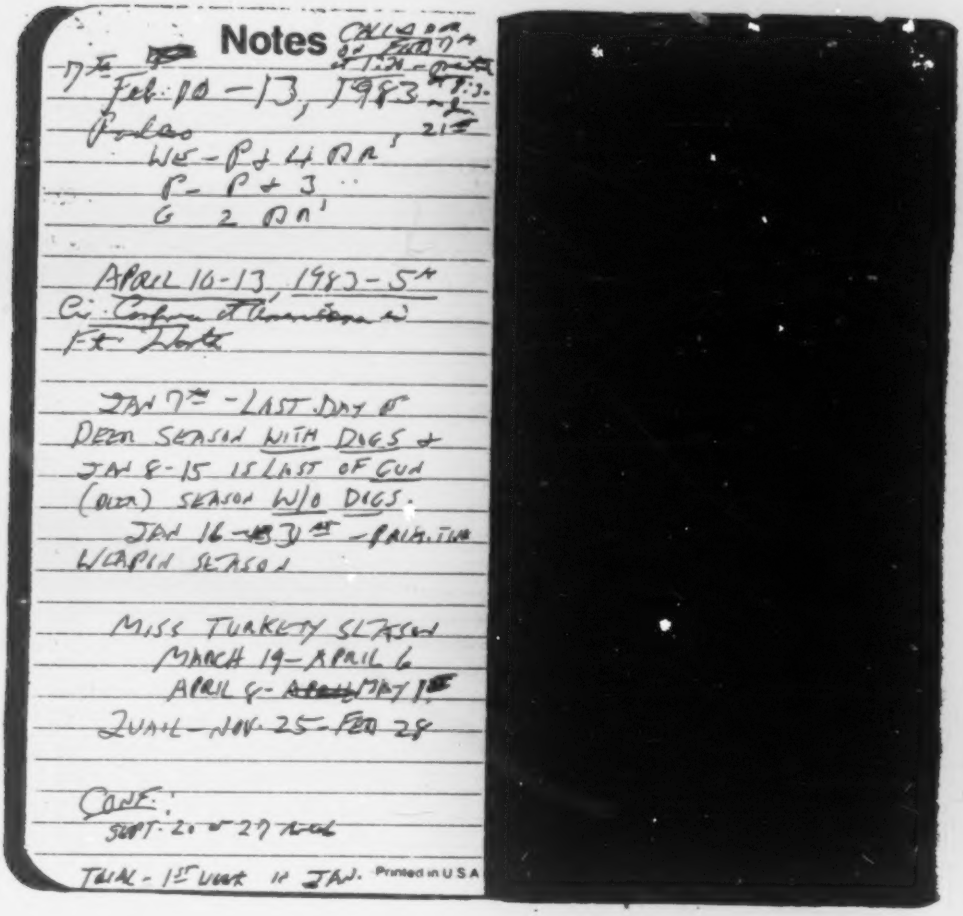
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 MEETING AT 2 P.M. WITH MS. [illegible] OF O.S. PAPER	2 Election Day	3 MOTIONS TODAY AT 9:30	4 TO JACKSON TODAY — MOOT COURT THIS EVENING AT ~~6:30~~ 6	5 RECITAL 5:30 – 7:30	6 FOOTBALL GAME AT TULAN vs. OLE MISS
7	8 VICKSBURG CALLENDER AT 1:30 - 2 CASES	9	10	11 [illegible] Veterans Day Remembrance Day (Canada)	12 PLEA CHARGES AT 10 A.M. IN VICKSBURG	13 MISS. DEER SEASON W/O DOGS THRU 19th
14	15	16	17	18 LAW CLERK INTERVIEWS 10-[illegible] 12 JACKSON	19	20 DEER SEASON (DOGS) THRU DEC. 15 HARLEQUIN ?
21	22	23	24	25 QUAIL SEASON THRU FEB 28 Thanksgiving Day	26	27
28	29 TRO AT 10 RALPH OFF THRU WED	30 TO DEWITT YOAK'S THIS AFTERNOON IF POSSIBLE				



December 1982

1½" of 100 yds.-

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		TO [illegible] TODAY THIS AFTERNOON IF POSSIBLE	1 LAST DAY OF 1st DEER SEASON X QUAIL HUNT WITH [illegible] YORK TODAY + TOMORROW X	2	3	4 BOY SCOUT BANQUET
5	6 MOTIONS AT 9:30	7	8 MOTIONS TODAY AT 9:30	9	⑩ PLEASANTON TEX. - 1:30 P.M. (ROY HINDS) CHARLOTTE, TEX. 78011	DUCK SEASON - [illegible]
12 ✓	13 OUT ✓	14 OUT ✓	15 DUCK SEASON (END) THRU JAN 31st	16	⑰ SAM + [illegible] AT 6:30	Hanukkah 18 2nd DEER SEASON (DOES) THRU JAN. 7th
19	20	21	22	23	24	25 3rd DEER SEASON [illegible] THRU JAN. 16th Christmas
26	27 Boxing Day (U.K., not Scotland)	28	29	30	31	



Notes CALLS OR [illegible] 7th [illegible]

7th Feb 10 – 13, 1983 7:30 [illegible] 21st

[illegible]

WE – P & 4 BR'

P – P + 3

G 2 BR'

APRIL 10-13, 1983 – 5th

Ci Conference of [illegible] in Ft. Worth

JAN 7th – LAST DAY OF DEER SEASON WITH DOGS & JAN 8-15 IS LAST OF GUN (DEER) SEASON W/O DOGS.

JAN 16 – ~~15~~ 31st – PRIMITIVE WEAPON SEASON

MISS TURKEY SEASON
MARCH 19 – APRIL 6
APRIL 8 – ~~APRIL~~ MAY 1st
QUAIL – NOV. 25 – FEB 28

CONF:
SEPT. 20 or 27 week

TEAL – 1st week in JAN. Printed in USA

DEFENSE EXHIBIT 1

MMONS CIRCUIT COURT

STATE OF MISSISSIPPI
COUNTY OF FORREST

[redacted]

Cause No. 3-81-567

FILED
APR 16 1981
Marian Brown
CIRCUIT CLERK

To the Sheriff of FORREST County — Greetings:

We command you to summons DREW FAIRCHILD
W. R. Fairchild Construction Co.
Highway 49 By-Pass
Hattiesburg, Mississippi

Defendant(s)

if to be found in your County, personally to appear before the CIRCUIT Court of Forrest County, at a term thereof to be begun and holden for the County aforesaid, at the Court House thereof, in the City of Hattiesburg, Mississippi, to be held at 9 A.M. on the FIRST Monday, the 4th day of MAY A.D. 19 81.

then and there to ANSWER TO THE DECLARATION of
WILLIAM F. PORTER
the Plaintiff(s)

against said defendant (s) which was filed at the clerks office of said Court on the 19th day of March 19 81. Herein fail not, and have you then and there this summons with your return endorsed thereon, showing service of this summons together with a copy of the declaration.

The defendant(s) is/are hereby notified that he shall plead on or before the first day of the term to which this process is returnable or within thirty (30) days after service of process, whichever would cause the pleading to be filed earlier. A failure to enter a plea within the time stated may permit ment to be entered by the default.

Attached hereto is a copy of the above by which this suit was instituted.

Witness my hand as Clerk, with the seal of said Court hereunto affixed this the 20th day of March A.D. 19 81.

Marian Brown Clerk

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

FILED
MAR 19 [illegible]
Marian Brown
CIRCUIT CLERK

WILLIAM F. PORTER PLAINTIFF

VS. CAUSE NO. 3-81-567

DREW FAIRCHILD DEFENDANT

DECLARATION

#35.00

COMES NOW the Plaintiff, William F. Porter, by and through his attorney, and brings this, his suit against the Defendant, Drew Fairchild, and for cause of action would show unto the Court the following, to-wit:

I.

That the Plaintiff is an adult resident citizen of Forrest County, Mississippi; that the Defendant, Drew Fairchild, is an adult resident citizen of Forrest County, Mississippi, and may be served with process at W. R. Fairchild Construction Company, Ltd., Highway 49 By-Pass, Hattiesburg, Mississippi, his place of employment, thus vesting jurisdiction over the parties and subject matter hereto.

II.

That heretofore, on the date and for the fair and equitable amount shown on the sworn, itemized statement of account attached hereto as Exhibit "A" and made a part hereof for all purposes, the Plaintiff, at the specific direction and request of the Defendant, furnished to and provided for the Defendant on open account those certain duties and services detailed on Exhibit "A" hereto, for which services the Defendant has become indebted to the Plaintiff.

III.

Despite frequent and amicable demand by the Plaintiff, the Defendant has wholly and obstinately failed, refused, and neglected to pay or satisfy said indebtedness for a [illegible]

Plaintiff would show that there is a principal sum of $10,000.00 now due and owing, together with reasonable attorney fees and all costs of Court herein.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff brings this, his suit against the Defendant, Drew Fairchild, and demands judgment of, from, and against the Defendant in the principal sum of $10,000.00, together with reasonable attorney fees, interest at the legal rate, and all costs of Court accruing herein.

WILLIAM F. PORTER

BY: J Douglas Johnson
J. DOUGLAS JOHNSON
Attorney for Plaintiff

P. O. Box 1469
Hattiesburg, MS 39401
545-7010

STATE OF MISSISSIPPI

COUNTY OF FORREST

PERSONALLY came and appeared before me, the undersigned authority at law in and for said county and state, WILLIAM F. PORTER, who upon oath deposes and says that the statement of account attached hereto as Exhibit "A" and made a part hereof as if fully copied at length herein is a true and correct statement of the claim and account which William F. Porter has, asserts, and files against Drew Fairchild for $10,000.00; that Affiant has personal knowledge of the correctness of said account and amount claimed is justly due and owing from Drew Fairchild after allowing all proper offsets and credits, and the same now constitutes a subsisting demand and claim for $10,000.00 and that Affiant is duly authorized to make affidavit.

William F. Porter
WILLIAM F. PORTER

SWORN TO and subscribed before me on this, the 19th day of March, A.D., 1981.

Wendy Sue Nobles
NOTARY PUBLIC

My Commission Expires:
May 26, 1982

LAW OFFICE OF
WILLIAM F. PORTER
408 WEST PINE STREET
HATTIESBURG, MISS. 39401

BOX 1469

PHONE 601-545-70

March 19, 1981

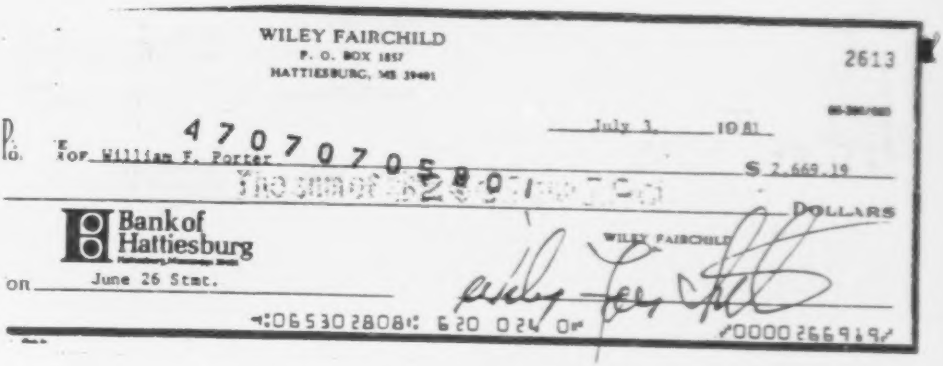
Mr. Drew Fairchild

FOR PROFESSIONAL SERVICES RENDERED

Re: United States of America vs. Drew Fairchild
State of Mississippi vs. Drew Fairchild

Balance from previous statement-----------------------$ 10,000.00

DEFENSE EXHIBIT 2



WILEY FAIRCHILD
P. O. BOX 1857
HATTIESBURG, MS 39401

2613

July 3, 1981

PAY TO THE ORDER OF William F. Porter

4707070580

$ 2,669.19

[illegible] DOLLARS

Bank of Hattiesburg

WILEY FAIRCHILD

for June 26 Stmt.

⑆065302808⑆ 620 024 0⑈ ⑈0000266919⑈

DEFENDANT'S EXHIBIT 2

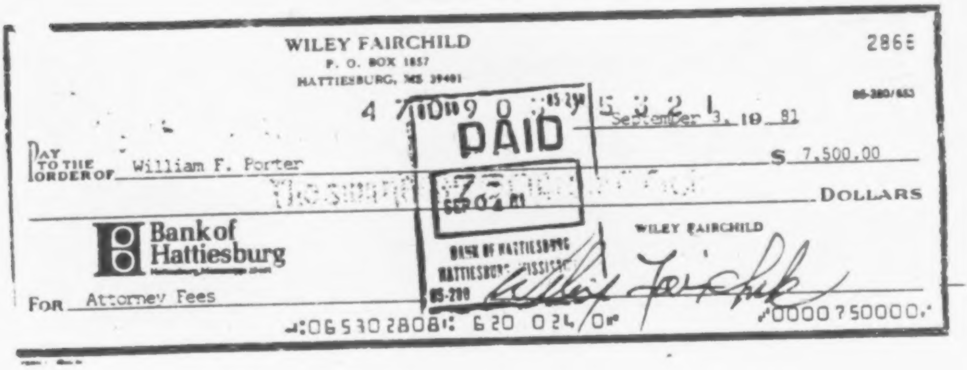
FOR DEPOSIT
WILLIAM F. [illegible]
ATTORNEY ACCOUNT
522 · 657 · 0

FRB NEW ORLEANS

85-110
PAY ANY BANK - P.E.G.
DEPOSIT GUARANTY NATIONAL BANK
HATTIESBURG, MISSISSIPPI
85-110

FOR DEPOS[illegible]LY
WILLIAM F[illegible]
ATTORNEY ACCOU[illegible]
522 657

DEFENSE EXHIBIT 3



WILEY FAIRCHILD
P. O. BOX 1857
HATTIESBURG, MS 39401

2868

85-280/653

4 7 0 9 0 5 3 2 1

September 3, 19 81

PAY TO THE ORDER OF William F. Porter $ 7,500.00

[illegible] DOLLARS

PAID
SEP 04 81
BANK OF HATTIESBURG
HATTIESBURG, MISSISSIPPI
85-280

Bank of Hattiesburg

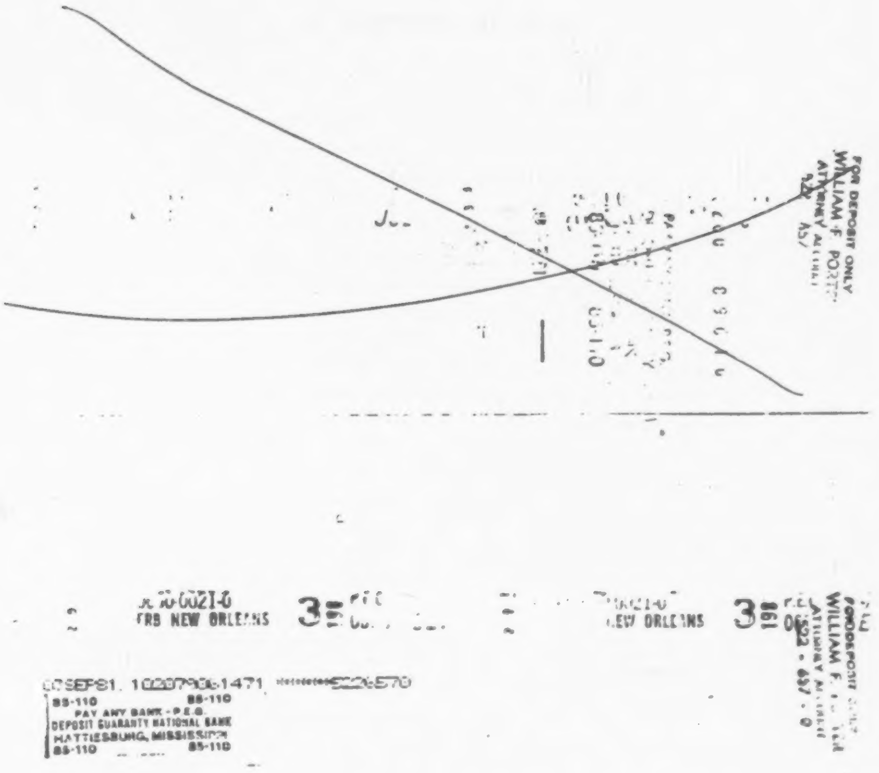
WILEY FAIRCHILD

Wiley Fairchild

FOR Attorney Fees

⑆065302808⑆ 620 024/0⑈ ⑈0000750000⑈

DEFENDANT'S EXHIBIT 3



FOR DEPOSIT ONLY
WILLIAM F. PORTER
ATTORNEY AT LAW

FRB NEW ORLEANS

NEW ORLEANS

03SEP81 1022079061471

85-110 85-110
PAY ANY BANK - P.E.G.
DEPOSIT GUARANTY NATIONAL BANK
HATTIESBURG, MISSISSIPPI
85-110 85-110

DEFENSE EXHIBIT 4

[illegible]

4

STATE OF MISSISSIPPI

COUNTY OF FORREST

ASSIGNMENT OF OIL, GAS AND MINERAL LEASES

WHEREAS, certain Oil, Gas and Mineral Leases were made and entered into by and between certain Lessors and F-R CORPORATION covering certain lands as hereinafter described; and

WHEREAS F-R CORPORATION being the record owner of said leases, does now desire to transfer and assign all interest in and to said leases unto WILEY FAIRCHILD;

NOW, THEREFORE, for and in consideration of the sum of Ten and No/100 Dollars ($10.00) and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, We, the undersigned F-R CORPORATION do hereby sell, transfer, set over and assign an undivided interest in said leases to WILEY FAIRCHILD as follows:

1. An undivided 6.69/40 interest in and to that certain Oil, Gas and Mineral Lease from Scotty Dan Blackwell Lessor, to F-R Corporation, Lessee, dated May 3, 1979, recorded in Book 119, Page 243 of the official records of the Chancery Clerk of Covington County, Mississippi, covering lands as therein described, located in Section 24, Township 7 North, Range 15 West;
2. An undivided .50/.50 interest in and to that certain Oil, Gas and Mineral Lease from Norman Horn and wife Lucille Horn, Lessors, to F-R Corporation, Lessee, dated July 23, 1979, recorded in Book 2738 Page 850 of the official records of the Chancery Clerk of East Baton Rouge Parish, Louisiana, covering lands as therein described, Lot 111, Greenback Forest Subdivision;
3. An undivided 40/40 interest in and to that certain Oil, Gas and Mineral Lease from W. W. Tully, Jr., sole and only heir at law of W. W. Tully, Sr. deceased, Lessor, to F-R Corporation, Lessee, dated July 7, 1980, recorded in Book 493 Page 290 of the official records of the Chancery Clerk of Forrest County, Mississippi, covering lands as therein described, located in Section 8, Township 3 North, Range 13 West;
4. An undivided 5.65/11.50 interest in and to that certain Oil, Gas and Mineral Lease from Forrest County, Mississippi, Board of Education, Lessor, to F-R Corporation, Lessee, dated May 7, 1979, recorded in Book 466, Page 595 of the official records of the Chancery Clerk of Forrest County, Mississippi, covering lands as therein described, located in Sections 27, 28, & 34, Township 1 North, Range 12 West;

MINERAL DOCUMENTARY TAX

STATE OF MISSISSIPPI, COUNTY OF FORREST

I certify that this instrument was filed for record in my office [illegible]

at [illegible] o'clock A M on the 9th day of Sept. 19 81 and was recorded in

Book 507 Page 199 [illegible]

Given under my hand and seal of office, this the [illegible]

September 19 81

GL [illegible]

B&P 51

1.50 - [illegible]

[illegible] - Recording

3.40 - [illegible]

#815205

5. An undivided 3.75/40 interest in and to that certain Oil, Gas and Mineral Lease from Chadwick A. Pratt, Lessor, to F-R Corporation, Lessee, dated August 16, 1979, recorded in Book 481, Page 573 of the official records of the Chancery Clerk of Forrest County, Mississippi, covering lands as therein described, located in Section 1, Township 5 North, Range 13 West;

6. An undivided 2/112 interest in and to that certain Oil, Gas and Mineral Lease from Wilma R. Jeffers Seize, Lessor, to F-R Corporation, Lessee, dated May 31, 1979, recorded in Book 505, Page 543-544 of the official records of the Chancery Clerk of Jones County, 2nd Judicial District, Mississippi, covering lands as therein described, located in Section 22, Township 8 North, Range 12 West;

7. An undivided 1.38/1.38 interest in and to that certain Oil, Gas and Mineral Lease from Cecil R. Patterson, Lessor, to F-R Corporation, Lessee, dated June 1, 1979, recorded in Book 211 Page 250-251, of the official records of the Chancery Clerk of 1st Judicial District, Jones County, Mississippi, covering lands as therein described, located in Section 26, Township 8 North, Range 12 West;

8. An undivided 1.688/1.688 interest in and to that certain Oil, Gas and Mineral Lease from Carl R. Emmons and wife Barbara B. Emmons, Lessors, to F-R Corporation, Lessee, dated July 9, 1980, recorded in Book 222, Page 365-366, of the official records of the Chancery Clerk of 1st Judicial District, Jones County, Mississippi, covering lands as therein described, located in Section 9, Township 6 North, Range 13 West;

9. An undivided 27.4/230 interest in and to that certain Oil, Gas and Mineral Lease from Ben Lampson and wife Cordelia Lampson, Lessors, to F-R Corporation, Lessee, dated May 2, 1979, recorded in Book 55, Page 1 of the official records of the Chancery Clerk of Lawrence County, Mississippi, covering lands as therein described, located in Section 36, Township 9 North, Range 10 East;

10. An undivided 7.88/302 interest in and to that certain Oil, Gas and Mineral Lease from Archie Bryant, Lessor, to F-R Corporation, Lessee, dated April 13, 1979, recorded in Book 58, Page 327 of the official records of the Chancery Clerk of Lawrence County, Mississippi, covering lands as therein described, located in Sections 25 & 36, Township 9 North, Range 10 East;

11. An undivided 8.40/50 interest in and to that certain Oil, Gas and Mineral Lease from Mary Bernette Watts Dickerson Lessor, to F-R Corporation, Lessee, dated January 5, 1979, recorded in Book 57, Page 253, of the official records of the Chancery Clerk of Lawrence County, Mississippi, covering lands as therein described, located in Section 35, Township 9 North, Range 10 East;

12. An undivided 8.40/60 interest in and to that certain Oil, Gas and Mineral Lease from Mary Bernette Watts Dickerson, Lessor, to F-R Corporation, Lessee, dated January 5, 1979, recorded in Book 57, Page 254 of the official records of the Chancery Clerk of Lawrence County, Mississippi, covering lands as therein described, located in Section 36, Township 9 North, Range 10 East;

13. An undivided 6.50/10 interest in and to that certain Oil, Gas and Mineral Lease from Dennis M. Ford and William G. Ford, III, Joint Executors and Sole Beneficiaries, Lessors, and F-R Corporation, Lessee, dated November 21, 1979, recorded in Book 798 Page 608 of the official records of the Chancery Clerk of Marion County, Mississippi, covering lands as therein described, located in Section 26, Township 3 North, Range 18 West;

14. An undivided 1.25/30 interest in and to that certain Oil, Gas and Mineral Lease from R. H. Millis, Lessor, to F-R Corporation, Lessee, dated February 23, 1979, recorded in Book 777 Page 327 of the official records of the Chancery Clerk of Marion County, Mississippi, covering lands as therein described, located in Section 19, Township 5 North, Range 19 West;

15. An undivided 1.25/30 interest in and to that certain Oil, Gas and Mineral Lease from James E. Millis, Lessor, to F-R Corporation, Lessee, dated February 23, 1979, recorded in Book 777 Page 392 of the official records of the Chancery Clerk of Marion County, Mississippi, covering lands as therein described, located in Section 19, Township 5 North, Range 19 West;

16. An undivided 1.25/30 interest in and to that certain Oil, Gas and Mineral Lease from Walton A. Millis and Effie Maxine Millis Nolan, Lessors, to F-R Corporation, Lessee, dated February 20, 1979, recorded in Book 777 Page 107 of the official records of the Chancery Clerk of Marion County, Mississippi, covering lands as therein described, located in Section 19, Township 5 North, Range 19 West;

17. An undivided 11/11 interest in and to that certain Oil, Gas and Mineral Lease from Bertha Cornelia Waltman, Lessor, to F-R Corporation, Lessee, dated May 16, 1980, recorded in Book 4 Page 821-822 of the official records of the Chancery Clerk of Perry County, Mississippi, covering lands as therein described, located in Section 6, Township 4 North, Range 11 West;

18. An undivided 11/11 interest in and to that certain Oil, Gas and Mineral Lease from Ruthie Forman, Lessor, to F-R Corporation, Lessee, dated May 16, 1980, recorded in Book 4, Page 819-820 of the official records of the Chancery Clerk of Perry County, Mississippi, covering lands as therein described, located in Section 6, Township 4 North, Range 11 West;

19. An undivided 31/51 interest in and to that certain Oil, Gas and Mineral Lease from William Otha Conley, Jr., Lessor, to F-R Corporation, Lessee, dated May 16, 1980, recorded in Book 4, Page 585-586 of the official records of the Chancery Clerk of Perry County, Mississippi, covering lands as therein described, located in Section 6, Township 4 North, Range 11 West;

20. An undivided 11/11 interest in and to that certain Oil, Gas and Mineral Lease from James Herbard Cooley, Lessor, to F-R Corporation, Lessee, dated May 16, 1980, recorded in Book 4, Page 823-824 of the official records of the Chancery Clerk of Perry County, Mississippi, covering lands as therein described, located in Section 6, Township 4 North, Range 11 West;

21. An undivided .33/40 interest in and to that certain Oil, Gas and Mineral Lease from Kathy Knox, Lessor, to F-R Corporation, Lessee, dated April 5, 1980, recorded in Book 4 Page 498-499 of the official records of the Chancery Clerk of Perry County, Mississippi, covering lands as therein described, located in Section 32, Township 1 South, Range 10 West;

22. An undivided 1.0/40.0 interest in and to that certain Oil, Gas and Mineral Lease from Ms. Millie Fairley, Lessor, to F-R Corporation, Lessee, dated March 6, 1980, recorded in Book 4, Page 448-449 of the official records of the Chancery Clerk of Perry County, Mississippi covering lands as therein described, located in Section 32, Township 1 South, Range 10 West;

23. An undivided 1.0/40.0 interest in and to that certain Oil, Gas and Mineral Lease from Ms. Sylvia Breland, Lessor, to F-R Corporation, Lessee, dated March 6, 1980, recorded in Book 4 Page 462-463 of the official records of the Chancery Clerk of Perry County, Mississippi, covering lands as therein described, located in Section 32, Township 1 South, Range 10 West;

24. An undivided 1.0/40.0 interest in and to that certain Oil, Gas and Mineral Lease from Vonell Ramsey, Lessor, to F-R Corporation, Lessee, dated March 6, 1980, recorded in Book 4, Page 450-451 of the official records of the Chancery Clerk of Perry County, Mississippi, located in Section 32, Township 1 South, Range 10 West;

25. An undivided 1.0/40.0 interest in and to that certain Oil, Gas and Mineral Lease from Ms. Rebecca Fairley, Lessor, to F-R Corporation, Lessee, dated March 6, 1980, recorded in Book 4 Page 452-453 of the official records of the Chancery Clerk of Perry County, Mississippi, covering lands as therein described, located in Section 32, Township 1 South, Range 10 West;

26. An undivided 5.0/40.0 interest in and to that certain Oil, Gas and Mineral Lease from Noah Fairley, R. D. Fairley, Hardy Fairley, Vergene Fairley & Major Fairley, Lessors, and F-R Corporation, Lessee, dated March 3, 1980, recorded in Book 4, Page 486-487 of the official records of the Chancery Clerk of Perry County, Mississippi, covering lands as therein described, located in Section 32, Township 1 South, Range 10 West;

27. An undivided 5.0/40.0 interest in and to that certain Oil, Gas and Mineral Lease from J. H. Roberts, Lessor, to F-R Corporation, Lessee dated May 29, 1980, recorded in Book 4, Page 635-636 of the official records of the Chancery Clerk of Perry County, Mississippi, covering lands as therein described, located in Section 25, Township 1 South, Range 11 West;

28. An undivided 7.0225/38.0 interest in and to that certain Oil, Gas and Mineral Lease from Clifton I. Williams, Elaine Williams Oliver, Olive Williams Lord, Jerry L. Oliver, husband of Elaine Williams Oliver, and Paul H. Lord, Lessors, to F-R Corporation, Lessee, dated January 8, 1979, recorded in Book 140, Page 590 of the official records of the Chancery Clerk of Pike County, Mississippi, covering lands as therein described, located in Section 8, Township 1 North, Range 7 East;

21. An undivided .33/40 interest in and to that certain Oil, Gas and Mineral Lease from Kathy Knox, Lessor, to F-R Corporation, Lessee, dated April 5, 1980, recorded in Book 4 Page 498-499 of the official records of the Chancery Clerk of Perry County, Mississippi, covering lands as therein described, located in Section 32, Township 1 South, Range 10 West;

22. An undivided 1.0/40.0 interest in and to that certain Oil, Gas and Mineral Lease from Ms. Millie Fairley, Lessor, to F-R Corporation, Lessee, dated March 6, 1980, recorded in Book 4, Page 448-449 of the official records of the Chancery Clerk of Perry County, Mississippi covering lands as therein described, located in Section 32, Township 1 South, Range 10 West;

23. An undivided 1.0/40.0 interest in and to that certain Oil, Gas and Mineral Lease from Ms. Sylvia Breland, Lessor, to F-R Corporation, Lessee, dated March 6, 1980, recorded in Book 4 Page 462-463 of the official records of the Chancery Clerk of Perry County, Mississippi, covering lands as therein described, located in Section 32, Township 1 South, Range 10 West;

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25. An undivided 1.0/40.0 interest in and to that certain Oil, Gas and Mineral Lease from Ms. Rebecca Fairley, Lessor, to F-R Corporation, Lessee, dated March 6, 1980, recorded in Book 4 Page 452-453 of the official records of the Chancery Clerk of Perry County, Mississippi, covering lands as therein described, located in Section 32, Township 1 South, Range 10 West;

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27. An undivided 5.0/40.0 interest in and to that certain Oil, Gas and Mineral Lease from J. H. Roberts, Lessor, to F-R Corporation, Lessee dated May 29, 1980, recorded in Book 4, Page 635-636 of the official records of the Chancery Clerk of Perry County, Mississippi, covering lands as therein described, located in Section 25, Township 1 South, Range 11 West;

28. An undivided 7.0225/38.0 interest in and to that certain Oil, Gas and Mineral Lease from Clifton I. Williams, Elaine Williams Oliver, Olive Williams Lord, Jerry L. Oliver, husband of Elaine Williams Oliver, and Paul H. Lord, Lessors, to F-R Corporation, Lessee, dated January 8, 1979, recorded in Book 140, Page 590 of the official records of the Chancery Clerk of Pike County, Mississippi, covering lands as therein described, located in Section 8, Township 1 North, Range 7 East;

29. An undivided .461/157.0 interest in and to that certain Oil, Gas and Mineral Lease from Mattie Fairley, widow of Johnson Fairley, Lessor, to F-R Corporation, Lessee, dated April 10, 1980, recorded in Book 40 Page 285-286 of the official records of the Chancery Clerk of Stone County, Mississippi, covering lands as therein described, located in Section 5, Township 2 South, Range 10 West;

30. An undivided .461/157.0 interest in and to that certain Oil, Gas and Mineral Lease from Berdie Mae Lindsey, Lessor, to F-R Corporation, Lessee, dated April 10, 1980, recorded in Book 40 Page 283-284 of the official records of the Chancery Clerk of Stone County, Mississippi, covering lands as therein described, located in Section 5, Township 2 South, Range 10 West.

ASSIGNOR herein reserves unto itself, a one-sixteenth (1/16)of 8/8ths overriding royalty interest in all of the above stated leases with the exception of the below listed leases in which the Assignor reserves an overriding royalty of one-eighth (1/8) of eight-eighths (8/8ths).

1. An undivided .33/40 interest in and to that certain Oil, Gas and Mineral Lease from Kathy Knox, Lessor, to F-R Corporation, Lessee, dated April 5, 1980, recorded in Book 4, Page 498-499 of the official records of the Chancery Clerk of Perry County, Mississippi, covering lands as therein described, located in Section 32, Township 1 South, Range 10 West;

2. An undivided 1.0/40.0 interest in and to that certain Oil, Gas and Mineral Lease from Ms. Millie Fairley, Lessor, to F-R Corporation, Lessee, dated March 6, 1980, recorded in Book 4, Page 448-449 of the official records of the Chancery Clerk of Perry County, Mississippi, covering lands as therein described, located in Section 32, Township 1 South, Range 10 West;

3. An undivided 1.0/40.0 interest in and to that certain Oil, Gas and Mineral Lease from Ms. Sylvia Breland, Lessor, to F-R Corporation, Lessee, dated March 6, 1980, recorded in Book 4, Page 462-463 of the official records of the Chancery Clerk of Perry County, Mississippi, covering lands as therein described, located in Section 32, Township 1 South, Range 10 West;

4. An undivided 1.0/40.0 interest in and to that certain Oil, Gas and Mineral Lease from Vonell Ramsey, Lessor, to F-R Corporation, Lessee, dated March 6, 1980, recorded in Book 4, Page 450-451 of the official records of the Chancery Clerk of Perry County, Mississippi, covering lands as therein described, located in Section 32, Township 1 South, Range 10 West;

5. An undivided 1.0/40.0 interest in and to that certain Oil, Gas and Mineral Lease from Ms. Rebecca Fairley, Lessor, to F-R Corporation, Lessee, dated March 6, 1980, recorded in Book 4, Page 452-453 of the official records of the Chancery Clerk of Perry County, Mississippi covering lands as therein described, located in Section 32, Township 1 South, Range 10 West.

6. An undivided 5.0/40.0 interest in and to that certain Oil, Gas and Mineral Lease from Noah Fairley, R. D. Fairley, Hardy Fairley, Vergene Fairley, & Major Fairley, Lessors, to F-R Corporation, Lessee, dated March 3, 1980, recorded in Book 4, Page 486-487 of the official records of the Chancery Clerk of Perry County, Mississippi, covering lands as therein described, located in Section 32, Township 1 South, Range 10 West.

It is the intent of the Assignor to assign unto the Assignee all of the Assignor's interest in the above described leases, less and except the specific reservation of overriding royalty previously herein stated.

THE OVERRIDING ROYALTY INTEREST herein reserved shall be free and clear of all costs of drilling, development, and operations, but shall bear its proportionate share of all gathering, severance, or other taxes upon production.

WITNESS our signature on this 4th day of SEPTEMBER, 1981.

F-R CORPORATION, INC.

BY: Robert R. Royals
Robert R. Royals, Vice President

R A Fairchild
R. A. Fairchild, President

STATE OF MISSISSIPPI

COUNTY OF FORREST

PERSONALLY appeared before me, the undersigned Notary Public in and for said County and State, the within named Robert R. Royals, Vice President of F-R Corporation, Inc., a Mississippi Corporation, and R. A. Fairchild, President of F-R Corporation, Inc., who acknowledged that he signed and delivered the foregoing instrument on the day and year therein mentioned, for and on behalf of said Corporation, having been given authority to so do.

GIVEN under my hand and seal this 4th day of SEPTEMBER, 1981.

Lynette F. Smith
Notary Public

My Commission Expires:

12-27-82

STATE OF MISSISSIPPI
COUNTY OF FORREST

I, Harry C. Havard, Chancery Clerk of Forrest County, do hereby certify that the foregoing is a true and correct copy of Assignment of Oil, Gas & Mineral Lease as the same appears on record in my office in Book 507 Page 189

Given under my hand and official seal on this the 16 day of June, 1986

HARRY C. HAVARD, Chancery Clerk
By [illegible], D.C.

EXHIBIT NO. D-4 EVID
CAUSE NO. H85-00012(L)
WITNESS Klaus Fairchild
PAGES 6

JAN 28 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Klane Scott REPORTER

EXHIBIT NO. D-13 EVID
CAUSE NO. H85-00012(L)
WITNESS —
PAGES 6

FEB 07 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Klane Scott REPORTER

DEFENSE EXHIBIT 5

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

FILED

MAR 1 9 1982

Marian Brown
CIRCUIT CLERK

VERSUS CAUSE NUMBER 10,041

REDDITT ANDREW FAIRCHILD DEFENDANT

O R D E R

ON THIS DAY this Cause came on for sentencing, on the State of Mississippi, and the Defendant, by and through his Attorney of Record, the Honorable William Porter, making it known to the Court, that said Defendant has recently undergone a back operation, and is physically unable to attend Court at this term, and respectfully requesting that the matter be set for the July Term for sentencing or at an earlier date if the Defendant has recouperated, and the Court after hearing said Motion, finds that it is well taken and should be sustained.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the above styled and numbered matter be. the same is hereby, continued for sentencing until the July Term, 1982.

SO ORDERED AND ADJUDGED on this the 19th day of March, A.D., 1982.

Jack B. Weldy
CIRCUIT COURT JUDGE

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

FILED
Marian Brown
CIRCUIT CLERK

JUN. [illegible] 1982

STATE OF MISSISSIPPI

v. CIVIL ACTION NO. 10,041

REDDIT ANDREW FAIRCHILD DEFENDANT

MOTION TO DEFER SENTENCING

COMES now the Defendant, REDDIT ANDREW FAIRCHILD, and moves for this Honorable Court to defer sentencing until the August, 1982, term of Circuit Court. In support of this Motion, your Defendant would show that he had back surgery recently at Ochsner Medical Center, New Orleans, Louisiana, where the L-4 and L-5 discs were removed on the left side. Defendant has not recovered from surgery and needs additional time before sentencing.

Respectfully submitted,

William F. Porter

BY: WILLIAM F. PORTER, OF COUNSEL

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

FILED

JUN 2 5 1982

Marian Brown
CIRCUIT CLERK

STATE OF MISSISSIPPI

v. CIVIL ACTION NO. 10,041

REDDIT ANDREW FAIRCHILD DEFENDANT

ORDER

THIS DAY this cause came before the Court on Motion to Defer Sentencing until the August, 1982, term of Circuit Court and the Court after having been fully advised in the premises finds that the Motion is well taken and should be sustained.

IT is, therefore ordered that the Defendant in Civil Action No. 10,041 be brought before this Court for sentencing during the August, 1982, term of Court.

SO ORDERED and ADJUDGED on this, the 25th day of June, A. D., 1982.

CIRCUIT JUDGE

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

FILED

JUL 12 1982

Marian Brown
CIRCUIT CLERK

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER 10,041

REDDITT ANDREW FAIRCHILD DEFENDANT

ORDER

ON THIS DAY this Cause came on to be heard upon Motion of the Defendant, by and through his attorney of record, the Honorable William Porter, to continue the above styled and numbered matter for sentencing, for the reason that the Defendant has recently undergone surgery and for other health related reasons, and the Court after considering the Defendant's Motion, finds that it is well taken and should be sustained.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the above styled and numbered matter is hereby continued for sentencing in the above styled and numbered cause until the next November, 1982 term of Court.

SO ORDERED AND ADJUDGED on this the 12th day of July, A. D., 1982.

CIRCUIT COURT JUDGE

FILED
NOV 15 1982
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER 10,041

REDDITT ANDREW FAIRCHILD DEFENDANT

ORDER

ON THIS DAY this Cause came on to be heard upon the Joint Motion, ore tenus, the Defendant, by and through his attorney of record, the Honorable William Porter, and the State of Mississippi, by and through the Office of the District Attorney, to continue the above styled and numbered matter for the Term for sentencing purposes, for the reason that said Defendant is presently having physical problems and, further, the State of Mississippi would also show that the Co-defendant involved here, has been apprehended in the State of Florida, the State of Mississippi expects to extradite him within the foreseeable future, and the Court after considering the same, FINDS that the Defendant would not be prejudiced to continue the matter for sentencing, and the Motion should be sustained.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the above styled and numbered matter be, the same is hereby, continued.

SO ORDERED AND ADJUDGED on this the 15th day of November, A.D., 1982.

EXHIBIT NO. D-5 EVID
CAUSE NO. H85-00012 (L)
WITNESS Alfred Fairchild
PAGES 5

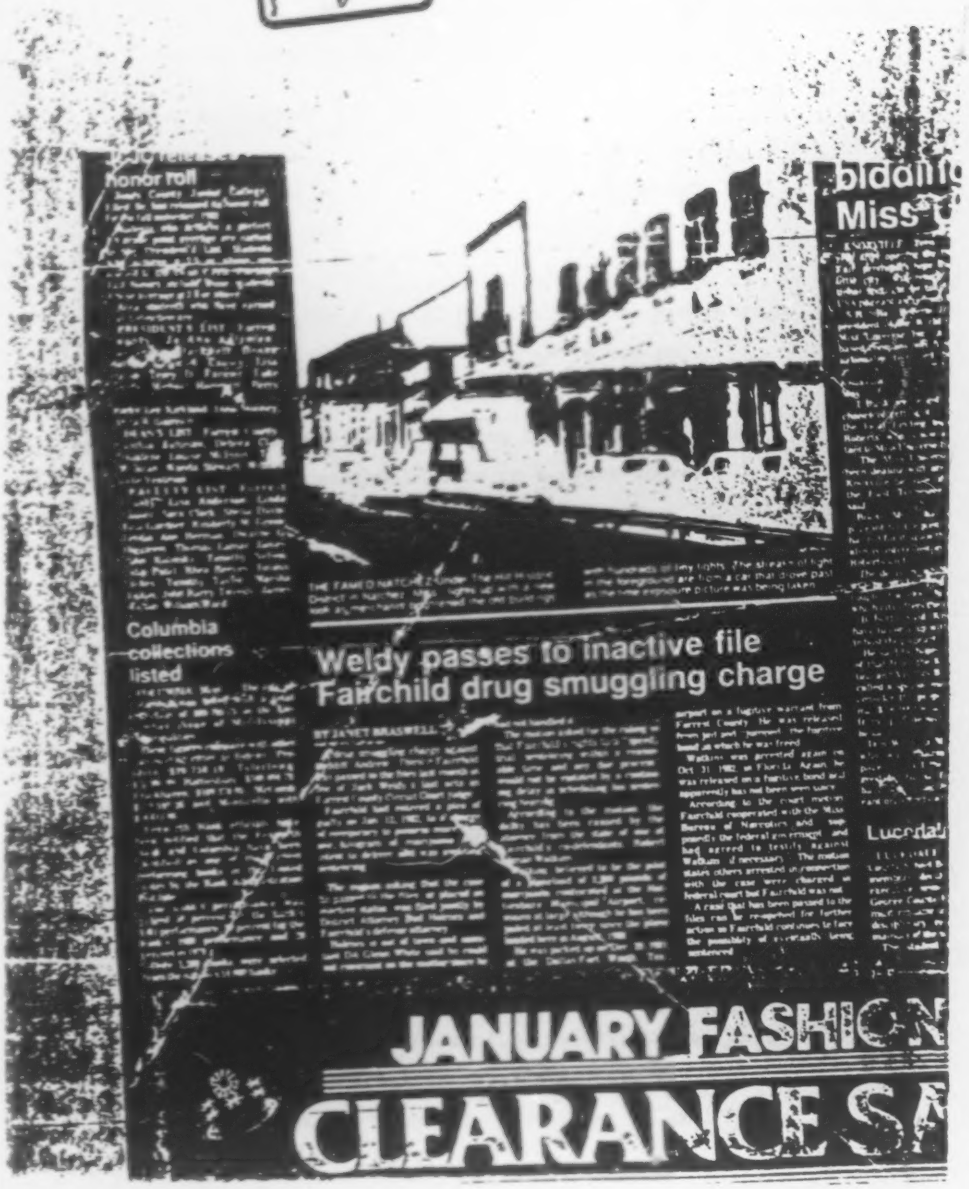
JAN 28 1986

UNITED STATES DISTRICT [illegible]
SOUTHERN DISTRICT OF [illegible]
Clara Scott REPORTER

DEFENSE EXHIBIT 6

DEFENDANT'S EXHIBIT 6

JANUARY 7, 1983
HATTIESBURG AMERICAN



honor roll

Columbia collections listed

THE FAMED NATCHEZ Under The Hill historic District in Natchez, Miss., lights up with a new look as merchants [illegible] the old buildings with hundreds of tiny lights. The streaks of light in the foreground are from a car that drove past as the time exposure picture was being taken.

Weldy passes to inactive file Fairchild drug smuggling charge

BY JANET BRASWELL

[illegible]

airport on a fugitive warrant from Forrest County. He was released from jail and "jumped" the fugitive bond on which he was freed.

Watkins was arrested again on Oct. 31, 1982, in Florida. Again he was released on a fugitive bond and apparently has not been seen since.

According to the court motion, Fairchild cooperated with the Miss. Bureau of Narcotics and supposedly the federal government and had agreed to testify against Watkins if necessary. The motion states others arrested in connection with the case were charged in federal court but Fairchild was not.

A case that has been passed to the files can be reopened for further action so Fairchild continues to face the possibility of eventually being sentenced.

Miss

Lucedale

JANUARY FASHION

CLEARANCE SA

DEFENSE EXHIBIT 7

7

FILED
JAN 26 1983
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER 10,041

ANDREW FAIRCHILD DEFENDANT

M O T I O N

COMES NOW, the State of Mississippi, by and through the Office of the District Attorney, moved to reinstate the charges and complete file of the Defendant, Andrew Fairchild, in the above styled and numbered Cause and would show in support thereof:

I

That the Defendant, Andrew Fairchild, entered a plea of Guilty to the charge in January, 1982 and has been awaiting sentence since that period of time.

II

Subsequently, the State of Mississippi, passed the Matter to the files for the reason that the Co-defendant in the case was never apprehended and brought back to the jurisdiction of the State of Mississippi, although he had been arrested twice.

III

The State of Mississippi did not desire to sentence the Defendant, Andrew Fairchild, for the reason that he had indicated a willingness to testify and cooperate with the State of Mississippi in the prosecution of Co-defendant.

IV

That in order to avoid any constitutional problems, affording the Defendant his right to a speedy trial, disposition, and/or due process of law according to the Fourteenth Amendment in a Constitutional Standards, the State of Mississippi requested that the Matter be passed to the files in December of 1982.

V

And since that time, the Co-defendant, Robert Watkins, has returned to the State of Mississippi and is under the jurisdiction of the Courts in the State of Mississippi and, therefore, the State feels the interest of Justice would dictate that this Matter be reinstated upon the active docket of the Circuit Court of Forrest County, Mississippi.

RESPECTIVELY submitted on this the 26th day of January, A.D., 1983.

DISTRICT ATTORNEY

FILED
JAN 26 1983
Marian Brown
CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS CAUSE NUMBER 10,041

ANDREW FAIRCHILD DEFENDANT

O R D E R

ON THIS DAY this Cause came on to be heard upon Motion of the State of Mississippi, to reinstate on the active docket the file against Andrew Fairchild, for the reason that the Co-defendant is now returned to the jurisdiction of the State of Mississippi, and the State of Mississippi is desirous of having a disposition of the Defendant, Andrew Fairchild, and the Court considering the fact that the Matter was passed to the files in December, 1982 after the Defendant had previously entered a plea in January of 1982 to avoid any constitutional due process of law problems with the Defendant not being sentenced within that period of time, due to the fact that State of Mississippi indicated that he would testify in trial against this Co-defendant. The Court finds that the Matter should be reinstated on the active docket and, therefore, orders that the case against Drew Fairchild in the entire file be placed upon the active docket in the Circuit Court of Forrest County, Mississippi, for disposition in the March 1983 Term, or a subsequent term of court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Clerk of the Circuit Court of Forrest County, Mississippi, is hereby directed to place upon the active docket the previous Matter which is passed to the files pertaining to Andrew Fairchild in the above styled and numbered Cause.

SO ORDERED AND ADJUDGED on this the 26th day of January, A.D., 1983.

CIRCUIT COURT JUDGE

DEFENSE EXHIBIT 8

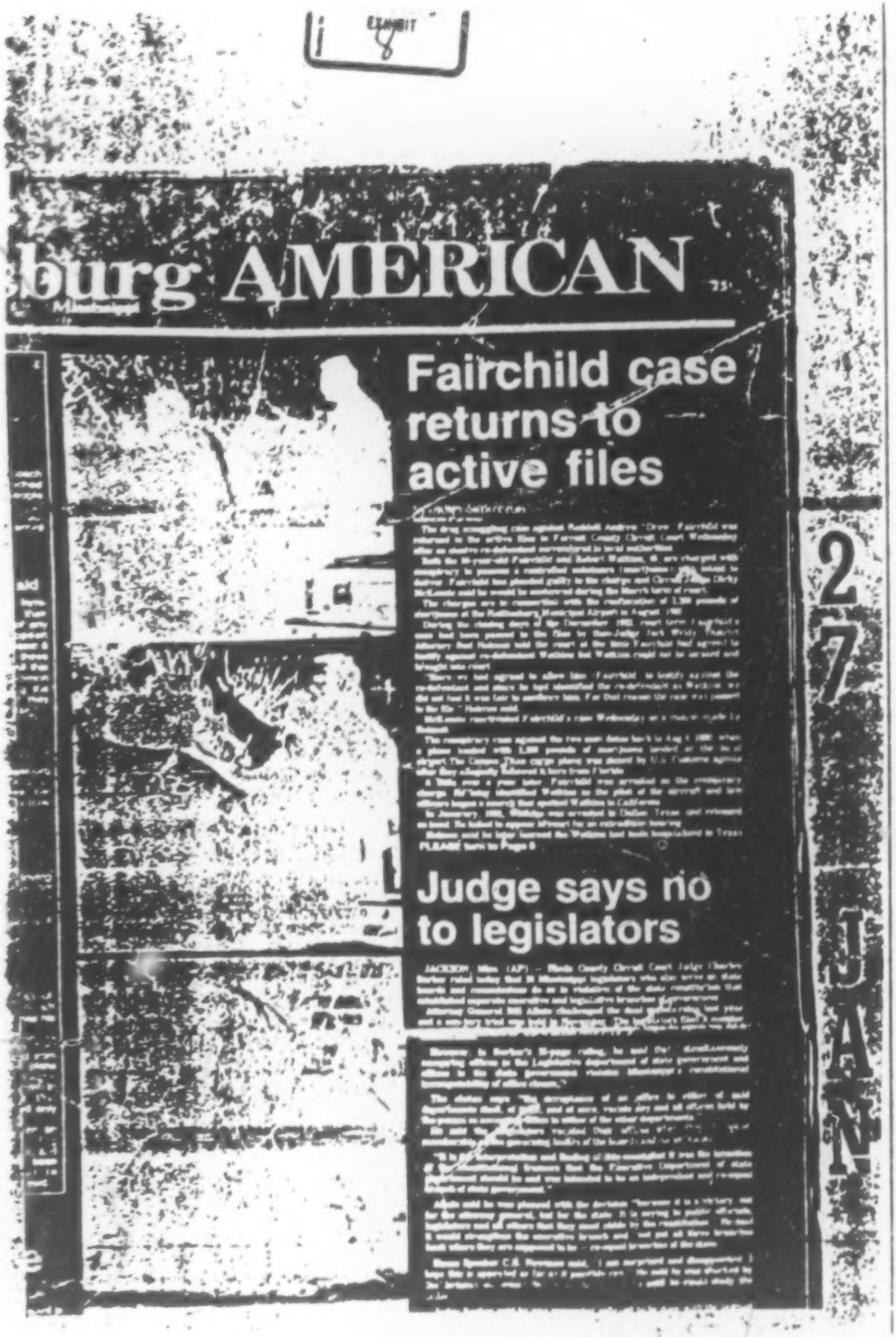


EXHIBIT 8

burg AMERICAN

Mississippi

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27 JAN

Fairchild case returns to active files

PLEASE turn to Page 8

Judge says no to legislators

Earthquake strikes Tokyo

TOKYO (AP) —

Storm slams Pacific Coast

Police report

TAX COMMENTS

FROM Page 1

Judges say administratio
wants to strip independe

WASHINGTON (AP) —

FAIRCHILD CASE

FROM Page 1

Is It Mayor or Governor Ch

DEFENSE EXHIBIT 13

SEE DEFENSE EXHIBIT 4

DEFENSE EXHIBIT 15

DEFENDANT'S EXHIBIT 15

Ken,

As I told you over the telephone, I am not sending these copies for anything other than your information. I recognize that things are beginning to move on the investigation and that this is really a trivial matter. My main concern upon first seeing them was that Wiley feels secure enough in his position that he can volunteer you to undermine my credibility. I realize that I jumped to the wrong conclusion and apologize.

By the way, four down (Wiley, Drew, Royals, and Holmes). I'm eager to go after the big prize.

Keep in touch,
Skip

P.S. I would still like to know who wrote the letter to Nola at Thanksgiving.

KWS

W.R.FAIRCHILD CONSTRUCTION COMPANY, LTD.

P. O. BOX 1867 • TEL. 544-1151 • HATTIESBURG, MISSISSIPPI 39401

WILEY FAIRCHILD
PARTNER AND
GENERAL MANAGER

April 16, 1985

Mrs. Elma Manasco
Route 2
Seminary, MS 39479

Dear Elma:

The persons that got Ruth to call Nola thought they were doing the best thing in the long run for Pam and the two kids and you. I know this for a fact.

Ruth didn't have anything to do with the phone numbers that Nola got through the mail, she didn't even know they were being mailed. You would have to have all the information these persons that got Ruth to call had to understand what I am saying.

The information these persons had that got Ruth to make the call believe that had Pam called these two persons, she would never have left Forrest County.

Sometimes things happen for the best. I understand Skip and Pam are closer together then they have been for sometime. That is not only best for them, but certainly best for the kids.

Sincerely,

Wiley

WF/kdn

cc: Audrey
Lola
Glydia Mae
Ruth

W.R.FAIRCHILD CONSTRUCTION COMPANY, LTD.

P. O. BOX 1887 • TEL. 544-1151 • HATTIESBURG, MISSISSIPPI 39401

RILEY FAIRCHILD
PARTNER AND
GENERAL MANAGER

April 23, 1985

Elma Manasco
Route 2
Seminary, MS 39479

Dear Elma:

Mr. Whitespooner, the FBI agent whom Skip called and gave the information that lead to my indictment, has told me and John Baltar that he would be glad if I would get any of my sisters together that does not believe the above and the below and he would be glad to talk to them or he would call them on the telephone. Also, to tell all of you that the rumor you have been putting out that they have been after Rodney and me since 1975 for smuggling marijuana is false. Also, Mr. Whitespooner said the FBI does not have a brake line that has been cut, which I understand Skip is inferring we had this done to try to get him killed.

I probably could get Mr. Whitespooner and we could have a meeting after the reunion or the next day.

I will only get him if you want to talk to him. I understand my other four sisters know the true story about Skip. There also is a tape where Skip came out to my office and talked to me for an hour trying to get incriminating evidence for the FBI. Elma, I don't have any aminosity towards you nor any of my sisters because Skip has told you some untruths and you believed them. Because at one time Skip had me snowed as bad as he has got you snowed. In his attempt to oust me from the Company, he had Jeannie and Little Marie believing him before they would believe me.

Rodney and I have no alternative but to prove those rumors you have been spreading to be 100% false. You, nor anyone else can blame us for wanting to get something straight that has damaged our reputation in the community where we were raised like this has.

I won't go into any other details, but there are several letters I have written to my other sisters explaining in detail the situation that makes a clear picture that Skip's intentions was to take over the Company. These letters will prove Rodney and I never did harrass Skip in any way. What Skip has said about that is also false. The reason Skip would not

Continued on Page 2

take the lie detector test was because he and Johnnie Fairchild were already planning to get me ousted from the Company. Johnnie has admitted this.

Sincerely,

Wiley

P.S. If you want a copy of all the other letters I have sent to the other sisters, just call Mike and I will be glad to send them to you.

WF

Mike Moore - 722-4500

cc: Audrey
Lola
Glydia Mae
Ruth
Coy Fairchild
Iris Fairchild
Nola Manasco
Maggie Fairchild
H. B. Matten
Hubert Sanford
Mack Fairchild
Louis Ingram

S.A. KEN WHITE-SPUNNER
FEDERAL BUREAU OF INVESTIGATION
P. O. BOX 1939
PASCAGULA, MISSISSIPPI 39567

EXHIBIT NO D-15 EVID
CAUSE NO H85-00012(L)
WITNESS Walter L. Jarvis
PAGES 5

JAN 29 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Diane Scott REPORTER

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198[illegible]

JERRY M. BLAIR
STATE ATTORNEY
THIRD JUDICIAL CIRCUIT
P.O. DRAWER 1546
LIVE OAK, FLORIDA 32060 - [illegible]

DEFENSE EXHIBIT 16 A

DEFENDANT'S EXHIBIT ~~44A~~ 16A

(Note: This transcript will consist only of the pertinent parts of the tape recorded conversation).

R. L. JARVIS: My name is ROBERT L. JARVIS, JR. The following is a conversation I'll be having with WILEY FAIRCHILD on April the 18th, 1984, at the office of W. R. FAIRCHILD CONSTRUCTION COMPANY, LIMITED, which, of which WILEY FAIRCHILD is a general partner. That office is located on Highway 49 North in Hattiesburg, Mississippi.

The time is approximately 2:48 PM.

It's approximately 3:25. I've just arrived at FAIRCHILD's office, fixing to go in his private door.

Hey, MIKE.

MIKE: Hello.

FAIRCHILD: Come in. Come in.

LYNN: Hey (unintelligible).

JARVIS: Hey, LYNN.

FAIRCHILD: Okay, we'll ah (unintelligible). That's all right. (Unintelligible)

JARVIS: I don't know if MARGARET told you that I'd been contacted by some FBI Agents that want to talk to me about something-

FAIRCHILD: Yeah.

JARVIS: What's going on?

FAIRCHILD: It's that Judge NIXON stuff. Ain't nothing to it. Goddamn, it's all on a tape. We've got the notes in there. He bought it-

JARVIS: Okay-

FAIRCHILD: Everything is legal.

JARVIS: Okay. Well, you think everything's, everything is-

FAIRCHILD: Yeah-

JARVIS: In its proper place-

FAIRCHILD: Yeah, yeah, and it had nothing to do- They think because ah- They think because- What happened, CARROLL INGRAM and BILL PORTER and BUD HOLMES led me and DREW down Memory Lane or some goddamn blind alley and got him to plead guilty up there. You know about that.

JARVIS: Uh-huh.

FAIRCHILD: And ah then I don't know what happened. I know I didn't do anything. I didn't ask you to do any damn thing. I didn't talk to nobody about doing any damn thing. The next damn thing we knew he was indicted down here for the same thing, see. And this thing up there was ah, was for ah, was for ah fifteen thousand dollars, and ah, and five years suspended see. And ah this deal that I actually made, and ah-

JARVIS: Well what got them fired up all of a sudden about this after all this time?

FAIRCHILD: Ah, I made a damn remark about- They still trying to, were trying to- Well the day before BUD went out, just like you're going out of office tomorrow night-

JARVIS: Uh-huh-

FAIRCHILD: He called DREW and said I'm gonna (unintelligible), and I wanna carry the agreement we had outside. I talked with BILL PORTER the day he got drowned about it. No, he said BILL PORTER told me he wanted to get this thing, wanted us to live up to that agreement and get it over with, and so, and ah DREW said what was the agreement. That was just about this time of day. He said well five thousand dollars, my fine, or five thousand, five thousand dollars fine, five years unsupervised probation. And ah he says well I never heard of that, and he called me, and I called CARROLL. CARROLL says all I know- He's by this morning, asked would I stand in with his attorney, and I said well goddamn. The agreement was it'd go to the file. And, and then ah-

JARVIS: Well, they committed it to the file, didn't they. Who was the one that actually brought it back out?

FAIRCHILD: I don't know what happened. And ah so I said well CARROLL, I'm capable of going to MARVIN RUBIN with this whole goddamn thing. It's just blackmail. And I says I never been blackmailed, and I'm too old to start. And BILL PORTER said that thing going to the file. It's gonna stay there. If it comes out, we'll get it in federal court. So I called WALLACE GUNN, and he said yeah there are some that you can- In a case like this you can get it back in federal court. And ah he said I'm no criminal lawyer, WILEY. You need to get some- Who is a good criminal lawyer here beside ZACK (phonetic), JIMMY DUKES? It's not (unintelligible)-

JARVIS: I don't- See, the problem you run into there is, is JIMMY DUKES and BUD HOLMES have the criminal practice sewed up.

FAIRCHILD: No, there's another good criminal lawyer here.

JARVIS: I'll, I'll see if I can find out for you who, who would be good at that-

FAIRCHILD: Well, anyway, I know it. I know it, and so, so ah I told ah, I told ah, whoever, WALLACE told me who he was. So I told WALLACE the whole thing what I was threatening to do, see, 'cause BOB ROYAL was out there. They didn't indict him. It was blackmail from the word go.

JARVIS: Let me ask you a question, you do that-

FAIRCHILD: Huh?

JARVIS: If, if you went out there, that newspaper thing, aren't you a little bit worried about what HOLMES or CARROLL might end up doing? They may wanna play hardball on this thing.

FAIRCHILD: Well, how?

JARVIS: You've got two attorneys, who, if you bring charges like this against them or accusations, they've got a lot to lose, which means that you might be in the hotseat.

FAIRCHILD: Well, ah-

JARVIS: You know-

FAIRCHILD: Well, I'm just gonna tell 'em that DREW wasn't there and that the records that they got up there tell me and that DREW and BOB was in partners. They couldn't possibly ah, ah, ah, ah BOB ROYAL would have to know about it, see, and that ah, and that BUD HOLMES and, and, and, and ah BILL PORTER were the very best of friends, and ah, and that ah, and that it's my opinion, I believe he was indicted, but why, because, you know, and it's- I, I figure it was blackmail from the word go. And old, old BOB ROYAL sat right there and, and passed the thing on from BILL PORTER, and I said now BOB, I've got your message, but I said not no, but hell no. I said hell, if he have to serve time, he'll just have to serve. And ah so, and I told them FBI men that, and ah, so, but anyway this CARL KEPPER (phonetic), ain't there a CARL KEPPER? No, he's the one that-

JARVIS: CARL KEPPER. There's, there's-

FAIRCHILD: No, he's the one that committed suicide.

JARVIS: There's a, Mrs. KEPPER that's ah-

FAIRCHILD: No, that's another one-

JARVIS: That's a lawyer here-

FAIRCHILD: But anyway, let me tell you. This is all happened one evening, see. So I told WALLACE what I was gonna do, that I'd just been fucked around enough, and I'd been ah, and ah, that I don't know why that GEORGE PHILLIPS didn't carry out the thing, see, and I don't know why it, why it changed, and ah happened. I didn't know nothing about that, but that- But I says I just will die. I just think it's blackmail, and CARROLL INGRAM is deep into it as anybody.

JARVIS: Well, you know that day that the stuff came up on, on Judge NIXON where you had me draw up those assignments in blank.

FAIRCHILD: Yeah.

JARVIS: You remember CARROLL was here that day-

FAIRCHILD: Yeah-

JARVIS: Y'all had just gotten through talking about that. You know one thing, you know we talked about this about two years ago when I said we needed to be a little more careful with this stuff-

FAIRCHILD: Yeah-

JARVIS: Ah, you remember SHERRY was here at that time? SHERRY was one of the witnesses on one of those things, if I, if my memory serves me correctly. Now are they going back to all of the former employees?

FAIRCHILD: I don't know, and I don't give a damn. If I'da done somethin', if it'd been a payoff now-

JARVIS: Well, I'm, you know, I'm, you know, what I'm trying to say is if it looks like a payoff, they're gonna, they're gonna investigate it all the way to-

FAIRCHILD: Well-

JARVIS: To the bottom of it-

FAIRCHILD: Well, they sat right there this morning, and they said, well if there's some record of this- Did he get an assignment, did I, and ah, ah, and they told MARGARET the other night, the subpoena, (unintelligible) says yeah. They went out to her house and asked did we write any check look like would been a payoff to BUD HOLMES or GEORGE PHILLIPS and said- (Interruption for telephone call) says no-

(Non-pertinent conversation)

FAIRCHILD: And ah-

JARVIS: Oh-

FAIRCHILD: So WALLACE GUNN said get this lawyer, see.

And I says okay you, you ah call him. And ah so that got on 'bout- So DREW called him and told him what he wanted to do, go down there to get the file and file it the next morning. And ah-

JARVIS: Well, who's been handling DREW's stuff since, since BILL PORTER died?

FAIRCHILD: Nobody. And ah so the next morning I walked in here, and MARK says BUD HOLMES has called for you. I said well if he calls, just tell him I'm not in. He said he wanted to come out and see you. So, and I said well, you'll have to tell him I'm here. Well, hell, about 8:20 he walked in there, and they said BUD HOLMES. I said tell him to come on back.

JARVIS: He came out-here?

FAIRCHILD: Yeah, the next morning.

JARVIS: Well, now, that takes guts.

FAIRCHILD: And ah- Well, now, you're jumping to conclusions.

JARVIS: Yeah, I-

FAIRCHILD: You're just jumping, and it's the wrong way, just ninety, or a hundred and ninety degrees from what ah the truth is. And he had Judge McKENZIE with him. And they come in and sat down there, and he said well I want you to get in touch with DREW, and ah have him to lay low, play quiet, and ah when he got too (unintelligible), get excited. I can't remember what it said.

JARVIS: Right.

FAIRCHILD: But I had RODNEY in here. I says now BUD, just what do you recommend- Said just tell him to be quiet. Ain't nobody, just let this thing slide, ain't nobody after DREW's ass. Just be quiet. And I said well that's what I wanna do. Well, I think after this, after that uh- Yep, he told, he said just let it slide, says this media'll get a hold of this thing, and they'll blow it all out of proportion everywhere. And ah so-

JARVIS: Well, did he know about- You said that, that CARROLL had come out here. Did he know about CARROLL coming out here?

FAIRCHILD: No, CARROLL hadn't come out here.

JARVIS: I thought you said just a minute ago that he had.

FAIRCHILD: No, I called CARROLL that evening before. CARROLL says he wants me to come up there and stay with DREW while he's being sentenced, see. Well, what it was, BUD and CARROLL had just got together, see. And he was gonna call DREW, and they were gonna get it all cocked up, see. And ah, and I would pay off 'fore it'd go through-

JARVIS: So they were both catching you in the middle between 'em.

FAIRCHILD: Yeah. Okay, that stopped, but ah WHITE, not long ago, and ah called one of WALLACE's, was, was gonna be one of LA-WALLACE's law partners.

JARVIS: This is GLEN WHITE, took BUD HOLMES' place?

FAIRCHILD: Yeah.

JARVIS: Okay.

FAIRCHILD: Ye called somebody and says ah you need to come down, said you represent DREW, but ah some connection between this lawyer and BILL PORTER some way. He says you need to come down here and file this thing ah for continuance. If it don't, it'll have to come up.

JARVIS: So, so WHITE's willing to work with you to keep the thing just kinda-

FAIRCHILD: No, that- I blew my stack then, see.

JARVIS: Oh, okay-

FAIRCHILD: And ah, I blew my stack then, and- Well I'd done told CARROLL, and the next, after it's over, I said see, I told you it wasn't a goddamn thing but blackmail. And I said shit, I don't ah, and ah I says five thousand dollar fine, and five years unsupervised ah sentence- I says hell, I had that fixed before through some friend with WILLIAM WINTER, if what I was telling was the truth. And ah, and I had somebody up in Jackson and talking with some people, and another, among other people was ah, was ah Governor ALLAIN about the, about the pardon, see.

JARVIS: Well, if you've got that, can you just tell CARROLL and HOLMES to take a, take a fly and leap now then, just chunk them out the window?

FAIRCHILD: Well, yeah, yeah, yeah. It's still they're trying to blackmail. Oh, yeah, I left out the main thing. But when I called ah DREW back and he called CARROLL and asked him about ah that gettin' it in federal court, and he said well DREW, that'll take a lot of research, says I've done a hell of a lot of work on this damn case, says I've never been paid a damn dime. And that's what, you know-

JARVIS: CARROLL-

FAIRCHILD: It's just a-

JARVIS: CARROLL INGRAM is, you know, he had said somethin' that I talked to NANNY about one time that I didn't tell you. But CARROLL is not your friend. You know that now though-

FAIRCHILD: Oh, hell, I've known it for years.

JARVIS: Okay.

FAIRCHILD: I haven't just now- I've known it for years.

JARVIS: Okay.

FAIRCHILD: Hell, but ah-

JARVIS: Well, see, that's somethin' that, that scared me. When he was here- And remember we did that stuff to Judge NIXON-

FAIRCHILD: Yeah-

JARVIS: See this is what scares the hell out of me is, is that backdating for that year. I don't know how- I hope that's- You know, I don't know what that's got, and I don't wanna know-

FAIRCHILD: Well, ah-

JARVIS: But ah-

FAIRCHILD: We just, we, well-

JARVIS: Do you, are your records okay to-

FAIRCHILD: Well, now, I didn't know about the backdating.

JARVIS: Yeah, that was, remember when it came back from CARROLL's office.

FAIRCHILD: Yeah-

JARVIS: That ah, because it all came about DREW's time. Y'all, y'all had me do it back before then. Remember that?

FAIRCHILD: Yeah-

JARVIS: So if any question came up-

FAIRCHILD: Yeah-

JARVIS: 'Cause see, at that time, I didn't know it was going to the judge, and you just had me do 'em in blank, and then you-

FAIRCHILD: But the deal had already been made-

JARVIS: But see-

FAIRCHILD: We just dated it back to when it was made, see.

JARVIS: Okay, well that, that's what I was trying to figure, you know, not figure out, but make sure- 'Cause I don't want somebody coming in here saying well look at this. 'Cause that's the kind of stuff they're looking for. I, I think CARROLL help, left you hanging out there on that one, and I, you know, that's, that's-

FAIRCHILD: No, CARROLL was the one that ah, CARROLL was the one asked me to put the judge in a deal, see, I think. I don't, I can't remember who it was.

JARVIS: Well, CARROLL was the one that came out here and, 'cause you had me take all the stuff, and CARROLL was the one that kept calling me, telling me the judge wanted his money. And that's one of the reasons why I figured that they, that was part of the squeeze too. That's why I tried to talk to you two years ago about it.

FAIRCHILD: And BOB, that didn't have a damn thing to do with DREW.

JARVIS: Okay.

FAIRCHILD: Didn't nothing mention it in there.

JARVIS: Okay, well that, I was just worried for you.

FAIRCHILD: No, it, it wasn't nothing- It didn't have a damn thing to do- Was with, the, they, what- We hadn't got our money, and ah the well had been on stream, see. And that's ah not unusual for the damn well to be on stream for a year, see.

JARVIS: Uh-huh-

FAIRCHILD: And ah, and ah, but if it'd been a payoff, that'd been one thing.

JARVIS: Well, see, if they ask me about that, one, you know, if- I'm afraid that this might eventually go, you know, if they find enough stuff, they're gonna take it to a grand jury. And when they put us under oath, one of the things that's gonna come up is that those things were backdated, and that's why I'm sittin' here asking you, what are we, what do we do, and where are we going so we'll all go in the same direction. 'Cause, you know, you know what it looks like. What do you think?

FAIRCHILD: Well, I didn't know that the damn things were backdated. I didn't know that the damn things were backdated. Who could ah, who could ah-

JARVIS: Well, see, when it originally came up, you know, I did the things the date that it was and left 'em on your desk. You sent 'em to CARROLL's office, and then when I, they came back, you had put 'em in my tray. CARROLL sent 'em back here, and I think it was, I assume it was CARROLL that told you they needed to be backdated, 'cause you, that's what you told me to do, put 'em 'bout a year back, and, and we, we redid 'em- 'Cause see, SHERRY witnessed the first one that was the right date, and then when we redid 'em, we went ahead- I took her off and had BILLY sign that witness spot because SHERRY wasn't here then when, when the date was. So that's when you had me just put 'em back in the envelope and take 'em to CARROLL, and I, I forgot 'em until CARROLL started calling, wantin' to know where the judge's money was. So-

FAIRCHILD: Well, how would they ever know they was backdated?

JARVIS: If they contact a bunch of the employees, and they talk to SHERRY as a former employer, she remembers this-

FAIRCHILD: Well, her name ain't on it.

JARVIS: She's a former employee though.

FAIRCHILD: Yeah-

JARVIS: If, 'cause see, she was here during that time when, when all this was happening. Are she and DAVID still down in New Orleans?

FAIRCHILD: Uh-huh, yeah.

JARVIS: They might not find them then.

FAIRCHILD: Oh, I, I don't think they'll- They think that it was a- They're gone. They, they couldn't believe, they didn't think there was no instrument, see, that ah and asked for a copy of it. I said well you go over to the ah, Marion County, and go to Covington County, it's a matter of record up there.

JARVIS: I don't think we've got a copy of the recorded ones in the files here, 'cause it- You had me take 'em and give 'em to CARROLL, and that's the last I saw 'em. I don't think we ever got a recorded copy of 'em. So I don't think it, I, I think that you can honestly tell 'em that they can look in your files. I don't think they'll find it.

FAIRCHILD: Yeah, well, we told 'em this, the file, she got the file there and showed 'em where'd been mailing him a check.

JARVIS: What'd they say?

FAIRCHILD: Well, they, they said that ah, ah-

JARVIS: Wait a minute. You may have a problem on that too.

FAIRCHILD: What?

JARVIS: Back when I used to work in, with the city down there.

FAIRCHILD: Yeah.

JARVIS: I had to report everything that I owned. Do federal judges have to file- I don't know whether it was just-

FAIRCHILD: Oh, yeah, yeah, they told me, they got it, they went to the (unintelligible). Yeah, they got it. I knew it was, was gonna be reported.

JARVIS: But it's not gonna be reported when the instrument says- It's gonna be- See we didn't give it to him till eighty-one, and the instrument's gonna say somewhere- I think eighty. See, that's, that's what scared me to death. Now if they say that, okay, judge, you had it, but you didn't, you didn't report it, and he comes back and says well hell, I didn't get it till eighty-one-.

FAIRCHILD: Well, wait a minute, now what?

JARVIS: You know the, we, we made the deal- We, we ah conveyed all of the stuff to the judge in eighty-one, but, you know, y'all had me backdate it to eighty.

FAIRCHILD: Yeah.

JARVIS: If they look at his 1980 report and it's not on there, that, it's gonna make 'em dig that much deeper. Lord it- See, that's, that was what had me really worried about- 'Cause see, CARROLL was handling all this, it looked like, between you, and all this stuff that he did for you, he's got you hanging out there in the wind. And it scares me. That's what I'm trying to tell you. And that's why I wanted to sit down with you and say look, what, what do you want me to do?

I remember back when I was down in Lake City when they had that big thing come in where they got all those judges and stuff down there. Man, they did their homework before they ever went the first time. They may already know about this stuff.

FAIRCHILD: No, I tell you how it all come about. It'll ease your pain.

JARVIS: Okay.

FAIRCHILD: I got ah, I told JOHN BALTER (phonetic), he's a full-time lobbyist up there in the legislature, all about it, see, about the thing and all. He went to GEORGE PHILLIPS, and GEORGE PHILLIPS called the FBI top man there, and he called him, see. And that's, that's the way it come about.

JARVIS: Lord, lord, lord.

FAIRCHILD: And so it's ah- That's the way it come about. But I think when they get in here and find out that that stuff was on record up there and ah (unintelligible) on record up there. But they gonna find that on record back there.

JARVIS: Okay. Well, do they even know where they're looking, or they, or they- Well, I guess they'll look at his report, and it'll be on there, come to think of it-

FAIRCHILD: What kind of report?

JARVIS: If they're looking at the judge-

FAIRCHILD: Yeah-

JARVIS: Well now CARROLL-

FAIRCHILD: Well, there wasn't no intent on our part.

JARVIS: Yeah, but what I'm thinkin' 'bout- CARROLL is real tight with that judge. You don't suppose that was a squeeze play on you there, do you?

FAIRCHILD: No, I, I don't know what to expect out of him.

JARVIS: 'Cause what I'm thinking-

FAIRCHILD: You see, that was all DREW- You, day that this thing- DREW has already confessed.

JARVIS: Uh-huh. That's, that's what has- That's what I don't understand.

FAIRCHILD: Well, that's what- Couldn't have been a payoff there. He done agreed what would recommend.

JARVIS: Well, I'm, I'm wondering if CARROLL and the judge might have put the squeeze on you the way HOLMES and CARROLL are trying to do it now. Did-

FAIRCHILD: Well, I don't-

JARVIS: 'Cause CARROLL and that, CARROLL and Judge NIXON are tight, from what I understand.

FAIRCHILD: Yeah, but ah, I don't, I don't- Well it would, it would get, it would get ah, it would get ah, it would ah- I don't remember telling you to do that-

JARVIS: Yeah-

FAIRCHILD: I remember that ah, there was somethin' wrong with the papers.

JARVIS: Uh-huh-

FAIRCHILD: And that CARROLL wanted 'em.

JARVIS: Yeah. I think CARROLL was the one who, who came up with the idea of backdating 'em-

FAIRCHILD: Yeah-

JARVIS: If, if I remember correctly. But I'm wondering if they just might have used that to put the squeeze on you from another side.

FAIRCHILD:	Well, now-
JARVIS:	Did-
FAIRCHILD:	Now Judge NIXON and CARROLL, no.; CARROLL, and 'nem, ah CARROLL and ah BUD, yeah.
JARVIS:	Well, you suppose the three of them might be involved in it, they may all three be in the same-
FAIRCHILD:	No, I mean just CARROLL and BUD and PORTER is the one that's involved. See, BUD told me to get PORTER for a lawyer, see.
JARVIS:	Uh-huh.
FAIRCHILD:	And, and CARROLL was gonna work behind the scenes, see.
JARVIS:	What, what I can't figure out though is why in the world CARROLL is doing all the negotiatin' between you and the judge. That, 'cause it seems like the judge and you would just sit down over the table and you just bat, you know, you just bargain and horse trade and, and settle it like that. See, because CARROLL's involved is got my, you know, and then, then the way it's been handled, it's got you- Where it looks, it looks like it was paid as a bribe is what it really looks like.
FAIRCHILD:	A bribe for what?
JARVIS:	I don't know. See, that's why, that's one of the reasons why I just wanted to sit down with you and bat it around this afternoon. 'Cause they're, they're gonna corral me sooner or later, and if they start asking me, I wanna know what-
FAIRCHILD:	I told that, that you, to, to get in touch

with you.

JARVIS: Okay, 'cause they've been trying to get me, [illegible] 've been puttin' 'em off, and puttin' 'em off, and hidin' from-

FAIRCHILD: How long they been trying to get you?

JARVIS: They tried to get me Monday because I called MARGARET, and MARGARET said that you had gone to San Antonio, and you wouldn't be back till late. And then I, then I had hearings yesterday morning. I was over in, in court yesterday. So I was able to stay hidden. The, and then today I've been, been out of the office. ZACK's probably gonna fire me when I get back for being gone this much today.

FAIRCHILD: So-

JARVIS: Well, what, what do you want me to do, you know, when they talk to me, just, what do you want me to do?

FAIRCHILD: Well, I don't know. Now what, what do you think'd be the best? You don't know nothing about the deal.

JARVIS: All I know is that the checks were being cut to the judge, and CARROLL came up with the idea of backdating those things, and I don't know why. And-

FAIRCHILD: Well, do you think you need to tell 'em that before they put you under oath?

JARVIS: Well, I don't know. We're in the situation where I can't advise you as a lawyer. 'Cause I'm right in here in the, in the thick of this with you.

FAIRCHILD: Well, but we ah-

JARVIS: See, it-

FAIRCHILD: Well, if it comes right down to it, I don't know nothing about it, your, your backdating that thing.

JARVIS: Okay.

FAIRCHILD: If CARROLL told you to, I assume you went ahead and done it, see.

JARVIS: Okay, so you're not gonna bring it up at all then.

FAIRCHILD: No-sir-ree.

JARVIS: Okay.

FAIRCHILD: I'm not gonna bring it up at all.

JARVIS: Okay.

FAIRCHILD: And I don't think that you will. I don't think they'll have no way of-

JARVIS: Okay-

FAIRCHILD: But if his, if his damn reports down there ah show it, well, don't show it, well it'd be an oversight, see-

JARVIS: Okay-

FAIRCHILD: And they, they do that, see.

JARVIS: Okay.

FAIRCHILD: You reckon we better tell CARROLL or what?

JARVIS: I don't know. I don't trust CARROLL as far as I can throw him. I don't know if he might run down there. If, if he's dirty, he may wanna make a deal to sell you to 'em to save his hide. 'Cause see, if he gets, see, if he gets indicted for this, they take away his license to practice law. So not only does he get criminally charged, but he loses his profession. And that's why- He and BUD HOLMES have got that. And that's, that's why I was telling you that if you go to MARVIN RUBIN- You know, these, they may wanna play hardball, and I'm not talking about just talking.

FAIRCHILD: Well, I'm dumb in some ways, maybe stupid in a few ways, but ah I would ah-

JARVIS: I just want you to be careful.

FAIRCHILD: I would ah be fool enough to not to, to not get into that jam.

JARVIS: Okay-

FAIRCHILD: But now CARROLL, he is not, he is not, he's too involved for this thing for anything to come about, see.

JARVIS: I don't think he could help you. I mean, I don't, I think he'd be too busy covering himself to be able to do you any good.

FAIRCHILD: Oh, hell, yeah. But they were so sure in ah, cock sure in everything, and ah, and ah they, they made a remark, well, you got us into this this morning. I said ah-

JARVIS: BALTER got you into it by opening his mouth or, you know-

FAIRCHILD: I knew he was going to GEORGE, but what I was hoping that they'd come down here and talk to me, and I'd say that ah, that ah BILL PORTER sent BOB ROYAL to me and ah they go talk to BUD, see, and let 'em know that ah, and ah, and I told 'em that this morning, and they just kinda laughed.

JARVIS: They were here this morning?

FAIRCHILD: Oh, yeah.

JARVIS: (Unintelligible)

FAIRCHILD: Well, they were so, they done talked- This is the third time they talked to me, this morning is.

JARVIS: I tell you what, when I got that phone call Monday and they told me they wanted to talk to me, scared me to death. I don't mind telling you.

FAIRCHILD: And I let 'em have this, this thing. You see what they, what makes, what, what makes the whole thing, see, it's not the fact that ah, that, that, of judge was gonna, being bribed. What, why, what happened, they already had this thing, and I didn't know it till they told me this morning, and that's why it looked suspicious, that DREW was gonna testify a, against three fellows, and ah they already sentenced them three fellows, and they turn around and not do nothing, see. And, and I said well I can understand why, but why he didn't do nothing- Well, I think that CARROLL INGRAM and BUD HOLMES talked to, to, got him to sit on it, see, and ah got him to sit on it.

JARVIS: Well, have you actually paid CARROLL or, or HOLMES anything yet, or-

FAIRCHILD: No, hell, no-

JARVIS: Okay, they're just puttin' the squeeze on you-

FAIRCHILD: Listen, now the other day when this thing happened, the other day, it was just 'fore he went out of office, CARROLL told DREW, said I've done a lot of work on this, and I hadn't been paid a dime, and, and ah that was lettin' him know he was expecting some money then. I give BILL PORTER ten thousand dollars, and I told 'em about that, see. And ah-

JARVIS: Well, is he, was, was PORTER working with CARROLL- Were they working together on DREW's defense or-

FAIRCHILD: Well, he said that it was in a memorandum I give to the FBI. They, hell, they ah- He made a statement that, DREW did, handwritten statement that ah- Well, somehere that ah it's a desk that I don't ah, that I don't ah tend. I work behind the scene, see.

JARVIS: Yeah, we see how he works behind the scenes.

FAIRCHILD: And ah, and BILL PORTER, see. 'Course, yeah, this is all- It's saying something that they stirred up, and it's something that ah I actually stirred up myself.

JARVIS: Well, I-

FAIRCHILD: But hell, if I'd been any bribery in it, this thing, ah, ah, would it been any intent or any bribery, and it just wasn't no intent of it, see.

JARVIS: Well, you know, I- That's why I came to you, just me and you, 'bout two years ago, and I know I made you mad by bringing it up, but ah, you know, couple of 'em in the office had asked me about it.

FAIRCHILD: About what?

JARVIS: About those payments to Judge NIXON. That's, that's one of the reasons why I came to you and said we need to keep everything in-house and quiet. 'Cause I didn't know, and, you know, you know how rumors get started-

FAIRCHILD: Yeah-

JARVIS: That's-

FAIRCHILD: Well, well I'm glad you come out then, and I'm glad you're concerned about it, but somehow or another, I'm not.

JARVIS: Okay, everything's okay then?

FAIRCHILD: Yeah.

JARVIS: Okay, 'cause I, like I told- I don't know if MARGARET told you that I called, but I told her I didn't wanna talk to 'em till I had a chance to talk to you and see-

FAIRCHILD: Well, she didn't tell me that-

JARVIS: Well, let me tell you- I called her back and told her not to tell you 'cause I didn't want you worried about it-

FAIRCHILD: Yeah-

JARVIS: Till I could just get a hold of you myself. 'Cause you, you hadn't come in yet from San Antonio. And I, I just been puttin' those folks off till I could talk to you. So you want me to talk to-tonight and just not say anything about that backdating, just be quiet, huh?

FAIRCHILD: Yeah, just say, and don't mention that backdating, and ah, but ah-

JARVIS: 'Cause I think that's your weak spot right there. Well, let me get back to the office so I can- Hopefully I can sneak in the back door, and ZACK'll think I been over to the courthouse all this time-

FAIRCHILD: What ah, is- They wanna talk to you tonight?

JARVIS: They've been calling over there at the office two or three times. You know, I, I was gone both yesterday and today.

FAIRCHILD: Yeah.

JARVIS: And I come back, and there'd be messages there that they've called, and they're trying to get in touch with me. They wanted to sit down with me, and they said they'd come out there at night. And I got a sneaky suspicion that they're probably gonna show up out there any, any, any night now.

FAIRCHILD: Well, they probably will. They probably will.

JARVIS: Did they ever come to your house, or did they just come down here?

FAIRCHILD: No, they called me and made an appointment. They went to MARGARET's house, see.

JARVIS: Oh, well I'd rather-

FAIRCHILD: Firt (unintelligible) MARGARET got some ah information for 'em and give to 'em, see.

JARVIS: Okay.

FAIRCHILD: And they just went-

JARVIS: Well, I'd kinda rather they came out to the house, 'cause it's, it's gonna look kinda bad. I haven't been down there a month, and all of a sudden I got them coming in there.

FAIRCHILD: You've got their number, haven't you?

JARVIS: Whose number?

FAIRCHILD: The FBI's number.

JARVIS: No, I, I, I'll get out of the phone book. Just. I'll just, just call 'em and tell 'em I guess they can come on by and see me. You want me to keep you posted?

FAIRCHILD: Oh, yes, sir-

JARVIS: Okay-

FAIRCHILD: I wanna know what's going on.

JARVIS: Okay. In the meantime, just between me, you, and these four walls, be careful. Now you had asked me about contacting DREW. I don't know if I would. 'Cause if it happened like you said and they, you know- What I'm saying is you said somethin' to BALTER, BALTER goes to GEORGE PHILLIPS, and you, you were trying to get him off your back-

FAIRCHILD: Uh-huh-

JARVIS: If you say somethin' to DREW- I mean not to DREW, but to CARROLL, you may wanna think about that first. Have you talked to a lawyer at all on this?

FAIRCHILD: Oh, yeah, yeah- No, I've not talked- I want nobody to know about that, that JOHN BALTER went to- I hadn't even told RODNEY. I hadn't told-

JARVIS: Okay-

FAIRCHILD: You, but you're so concerned see, and you're just, you, you thought they went out there and dug all this up themselves.

JARVIS: Well, I thought they had enough, I, I thought they were ready to come here like they did in Lake City-

FAIRCHILD: Yeah-

JARVIS: I been through it one time, and it scares me.

FAIRCHILD: Well, my conscious is clear, and I ah, old ah Governor WALLER is drawing a damn check that ah, that some stuff that I gave him, and ah, and ah, and (unintelligible) it wasn't no payoff, and, you know- My conscious, hell, they may wind up, do somethin' about it, but ah, but goddammit, I may have violated the law, and, but ah, but the intent wasn't there, and I just don't think there was- I just don't think there's nothing that they can do about it. Ah-

JARVIS: Well, have you, you said you wanted that, but you said something to BALTER to talk to PHILLIPS to get them off your back. Have you thought about just going to 'em and, and seeing if they'll, if they can get them off your back. Of course, you know-

FAIRCHILD: Going to who?

JARVIS: You said the FBI was here. Have you thought about just seeing what they can do to shut CARROLL and BUD HOLMES down? 'Cause if, it's gonna, you know, if- To do that, it's gonna take a grand jury and the rest.

FAIRCHILD: Well, I know it, it's gonna take somethin', and ah-

JARVIS: You thought-

FAIRCHILD: Well, the first time I, they was here, I said if y'all want to get something, I said you oughta be investigatin' how much money that BILL PORTER owed, who was on them notes and, and didn't they have life insurance on 'em. They said well they'd been checking into that.

JARVIS: Well, somebody asked me one day if ah, if HOLMES might have had something to do with that. Do you suppose he did?

FAIRCHILD: I'll die believing it. Oh, shit, you don't, you don't dive down there three times and it already dark and mucky water and say well he's not in there, and swim a damn live with your clothes on. No, it's impossible.

JARVIS: Well that's, see that's what scares me, that, you know, if, if any of this leaks out, you- Have you told MARGARET to kinda keep this under her hat? Have they talked to anybody else that you know of?

FAIRCHILD: Um no, no.

JARVIS: Okay.

FAIRCHILD: What ah, if what leaks out?

JARVIS: You, about what's going on that BALTER told them what you had said.

FAIRCHILD: No, she don't know that ah-

JARVIS: Oh, okay, so I'm the only one that knows that.

FAIRCHILD: You're the only-

JARVIS: Okay-

FAIRCHILD: I told the FBI that, see.

JARVIS: Okay. You don't suppose that they'll- Well they, are they gonna keep that kinda in, in their- Who, who was it with the FBI that you talked to? Do you remember who they were?

FAIRCHILD:	Ah-
JARVIS:	I'd kinda like to know so I, so I know-
FAIRCHILD:	It'll be the same two that I talked to here.
JARVIS:	Oh, okay.
FAIRCHILD:	It's ah, ah- Had the two names. I've got 'em in the office. I got 'em in this book.
JARVIS:	Now is his name WHITE or SPUNNER or-
FAIRCHILD:	Ah, SPUNNER-
JARVIS:	SPUNNER, okay. Okay. Now I'll know, if they come out, now I'll know if they're the same ones that talked to you or whether, whether they've got some more in here.
FAIRCHILD:	You want that to get to, to call 'em?
JARVIS:	No. I'll go back to the office and just call 'em and tell 'em to come out after dinner tonight. I might send PAM and the kids off somewhere. 'Cause I know it's gonna scare PAM to death when the FBI comes to the house. Well, let me get back-
FAIRCHILD:	Well, ah, I can understand where you are. I was asked to do ah WALLER a favor, see, and I can understand, and ah-
JARVIS:	Well the only thing-
FAIRCHILD:	And I'm telling you that I was asked, or I was- Well, well I don't remember who, but anyway, I went ahead and done it, and ah if it'd been JOE BLOW or somethin' 'nother, I, I- Very few people know WALLER calls all

the time, wantin' to get in deals, see-

JARVIS: Right-

FAIRCHILD: And other people want, and you know that, see.

JARVIS: Right.

FAIRCHILD: And ah, and they just (unintelligible) people go in there, and certainly I'd rather do somethin' for a governor. I'd rather do somethin' for a judge or a prosecuting attorney- No, a judge, period. I'd rather do somethin' for them than the average fellow. Because they're the ones that can help you if you ever need it.

JARVIS: Right.

FAIRCHILD: But what you was, what, what they don't know, but at that, me and, back at that time hell, me and DREW wasn't hardly on speaking terms.

JARVIS: I remember that.

FAIRCHILD: We weren't hardly on speaking terms, and ah-

JARVIS: That's why it surprised me when, when CARROLL was here and all this switchin' and swappin' was going on, and, you know, I- That's, that's one of the reasons why I was walking around here just not knowing what in the hell was going on.

FAIRCHILD: Well, well, I told 'em that, that, that me and him wasn't on good terms at that time. Hell, we wasn't. We wasn't even, we wasn't even visiting, speaking, or nothing else at that time. And, and I told them when that plane landed there, I was, I'm still that damn fellow today that I was, and I ain't changed a bit. If I was a shit ass then, I am today. I haven't changed a bit.

JARVIS: Well then if, if, if we get rid of CARROLL and, and HOLMES, then everything, you got, you got that taken care of up there in Jackson then, right, on the State stuff?

FAIRCHILD: Yeah-

JARVIS: Okay-

FAIRCHILD: Yeah, well-

JARVIS: Okay.

FAIRCHILD: And ah if all- I'm, I'm led to believe- I'm like before, if what I'm saying happens, it would happen, see. And ah, and ah, and it'll be over with, see.

JARVIS: Okay. Well, changing the subject just a minute- Did you get the letter I wrote you by-

FAIRCHILD: Yeah-

JARVIS: Okay. I, I got bad feelings on that CLINTON V. MORGAN thing, and ah I'm gonna speak out, and I shouldn't speak out the way I'm going to, but I, either WALLACE doesn't understand the argument-

FAIRCHILD: No, if you went down there and talked to him, he called that fellow up and ah, and WALLACE, he told WALLACE to write him a letter, said we, neither one, don't have a clear cut. He's changed his views on it-

JARVIS: FOXWORTH, RICHARD FOXWORTH up-

FAIRCHILD: Yeah.

JARVIS: Okay.

FAIRCHILD: He's, he's, he's changed his views a hundred percent. He says we do have- And he said you had a good point, said you had an excellent argument there.

JARVIS: Oh, I wish WALLACE would have listened to me two years ago.

FAIRCHILD: Yeah. Well, he's ah, he's, he's hardheaded, and we all are in a way, but ah-

JARVIS: I know-

FAIRCHILD: But ah-

JARVIS: I, I admit-

FAIRCHILD: He's ah-

JARVIS: Well now is he gonna move back into the building that you're remodeling down there?

FAIRCHILD: Uh-huh, yeah.

JARVIS: I, I went in there. He really kinda hurt my feelings, 'cause I originally approached him about practicing law with him, oil, doing oil and gas stuff-

FAIRCHILD: Yeah-

JARVIS: And he told me that he, he only wanted to go, he only wanted to practice by himself, and I found out he's taking MILTON SCHLESINGER and JOE BUSH in with him. And I told him, I said yeah, I told you I-

FAIRCHILD: He's going (unintelligible). He's got more.

JARVIS: Well, I knew he was taking those two in, and I, I mentioned that to him when I went down there. All he did was sit back in his chair and smile. I thought he was afraid I was gonna the FAIRCHILD business away from him.

FAIRCHILD: Ah, now he got some clerk of the Supreme Court, didn't he?

JARVIS: JOE BUSH.

FAIRCHILD: Well he's, he's a good, he's a good clerk though, ain't he? He's-

JARVIS: You'll, you'll see, 'cause he, he'll- If, if he's with WALLACE, he'll be, he'll doing some work for you. JOE went, I had several classes with JOE up there. Well, I know ZACK was interviewing a girl that was DAN RUSSELL's clerk, Judge RUSSELL, the federal judge. He's gonna interview her to bring her in there to work with us.

FAIRCHILD: Has he got a pretty good practice?

JARVIS: Ooh, I tell you what- It's, they got me jumping. I got sworn in Friday afternoon, and I was in court yesterday. You know, it's, they keep-

FAIRCHILD: Had court yesterday?

JARVIS: Uh-huh. I was sneaking out today. I had to do some research down here at Southern, 'cause we didn't have- He's got a good law library down there, one of the best I've seen in Hattiesburg, but he didn't have the set of case books that I needed, so I slipped out today, you know, going down there to Southern, and that's where I'm supposed to be right now is over here at Southern's law library.

FAIRCHILD: Uh-huh-

JARVIS: (Unintelligible) The first day that I went to work with him, that very first day he had, had me over in, we were in court in Marion County on a railroad suit. Just, they got me hittin' the ground runnin'.

On that other stuff, you know, I told you, the letter- I'm trying to figure out- I've been pulling out all that Internal Revenue stuff and State taxes, and I'm trying to figure out some way to balance that out. It, you know, you already know it's gonna cost you to do what you wanna do, but ah if I can come up with somethin', I'll lay it out and then, you know, then let you tell me what you think when that time comes.

FAIRCHILD: Okay. Okay, I appreciate you coming by.

JARVIS: Okay. I'll keep you posted if, if this-

FAIRCHILD: Yeah, give me a call if they come out tonight.

JARVIS: How late you gonna be up?

FAIRCHILD: Oh, I'm on the water wagon now. I don't go to sleep until ten-thirty or eleven o'clock.

JARVIS: Okay. You back off that. You quit the VO again?

FAIRCHILD: Oh, yeah. Yeah, I been off of that.

JARVIS: That's good.

FAIRCHILD: So-

JARVIS: Okay, I'll let you know-

FAIRCHILD: But this thing, ah, ah, ah, if I've told any truth in my life, this thing that ah, this thing was already happened- It couldn't be- Now what they have done, (unintelligible). They're thinking that NIXON, maybe, talked to, to ah, ah GEORGE PHILLIPS to get it pulled down here in court. Well, why would I wanna talk to Judge NIXON to, to do that? Why would I want it down here, and why, hell, ah-

JARVIS: Seem like you'da gone straight to GEORGE PHILLIPS if you're gonna do that-

FAIRCHILD: Yeah, I'd go into- Well, I, what they go to CARROLL. Hell, (unintelligible) CARROLL, and ah I've talked to GEORGE PHILLIPS, Don't, but, won't, wasn't you here when me and CARROLL went up there and talked to GEORGE PHILLIPS, and they had me before a grand jury up there?

JARVIS: Uh-uh. When was that?

FAIRCHILD: You were here. It was here, 'bout the, about the FINCH thing. About-

JARVIS: Yeah, I remember that, sure do. I was thinking it had something to do with this.

FAIRCHILD: No.

JARVIS: Okay.

FAIRCHILD: Yeah, but I got him. If, if, and if you can, you, if you'll just tell 'em that, that they had me on the charter of this bank, ah the FBI men, did, and I carried CARROLL up there, and ah CARROLL ah went back there and talked to 'em, and ah, and I told CARROLL I wasn't worried with 'em unless it's something that happened about twelve or fifteen years ago. They said well, it wasn't that, and what it was, into the bribe business. Everybody had a bribe didn't get a charter, see, and what I had done, ah SIMS led him to believe we'd give him some stock, see.

JARVIS: Uh-huh-

FAIRCHILD: Well, SIMS didn't wanna do nothing about it, and there wasn't no stock, so we hadn't done nothing, see, and I knew better, bygod. What he was doing, he was gonna ah get ah caught. So if that would have happened, and you can tell 'em that, if I'da wanted to do something, I'd just got CARROLL to go up, but what I think, I think CARROLL and BUD HOLMES went to him and got him to lay low where, let 'em come back there and indict where they could get a big bribe out of it.

JARVIS: That's an idea.

FAIRCHILD: That's exactly what I think. And well, I, I can't be bribed so it didn't work, see. And I think ah, I think that ah- I don't think GEORGE PHILLIPS can be touched.

JARVIS: I don't know GEORGE PHILLIPS. I, I don't know.

FAIRCHILD: Well, I don't think he can be touched, see, but anyway you've got the good picture of it r , and I think you'll-

JARVIS: Okay, I'll-

FAIRCHILD: Feel better after you talk to 'em.

JARVIS: I'll call 'em back from the office, and after-

FAIRCHILD: Okay-

JARVIS: After they come out there, I'll give you a holler at the house.

FAIRCHILD: Okay.

JARVIS: It's now 4:15. I'm leaving FAIRCHILD's office.

END OF RECORDING

DEFENDANT'S EXHIBIT 17A

MARIE FAIRCHILD:	Hello.
R. L. JARVIS	MARIE?
M. FAIRCHILD:	Uh-huh-
JARVIS:	This is SKIP. Is Mr. WILEY around?
M. FAIRCHILD:	Yeah, just a minute, SKIP.
WILEY FAIRCHILD:	Yeah.
JARVIS:	Hey, I hope I caught you during the sports. I called over there, and they, they said that they were gonna be tied up tonight, and they weren't gonna meet with me tonight, ah that they wanted to get back with me some time tomorrow-
W. FAIRCHILD:	Uh-huh.
JARVIS:	So I don't know what time they're gonna corner me. Listen. There's, there's one thing I wanna ask you though before they talk to me.
W. FAIRCHILD:	Yeah.
JARVIS:	You know, you said they were asking about that stuff on NIXON. If- I don't know how much that royalty is producing, but it can't- Is the cost those twenty-five hundred dollar notes. Is that anywhere in the ball park what that stuff was worth?
W. FAIRCHILD:	When the deal was made, when we, when the verbal deal was made, hell yeah.
JARVIS:	Okay. I just, you know, I was thinking about that. I didn't know how much that stuff has paid him since then. They may come back, you know, take a look at those notes.

W. FAIRCHILD: Well, you don't know nothing about what that ah- You don't ah-

JARVIS: Okay, you just want me, you just want me to handle it like that.

W. FAIRCHILD: Yeah, but ah, but ah, but it's like it's happened so many times. A deal is made way before everything is, the papers is drawn up, see.

JARVIS: Oh, okay.

W. FAIRCHILD: And ah, and ah, but I assure you the deal was made when that was, that was legitimate, see.

JARVIS: Okay, now, are you gonna be 'round most of the day tomorrow? 'Cause-

W. FAIRCHILD: All day.

JARVIS: Okay, I'll call you just as soon as I meet with them, and I'll let you know what, what happens. Okay?

W. FAIRCHILD: Okay, good.

JARVIS: See you tomorrow-

W. FAIRCHILD: All right.

END OF CONVERSATION

JARVIS: My name is ROBERT L. JARVIS, JR. The foregoing conversation was a telephone conversation between myself and WILEY FAIRCHILD, made at approximately 5:54 on April the 18th, 1984.

W. FAIRCHILD: Well, you don't know nothing about what that ah- You don't ah-

JARVIS: Okay, you just want me, you just want me to handle it like that.

W. FAIRCHILD: Yeah, but ah, but ah, but it's like it's happened so many times. A deal is made way before everything is, the papers is drawn up, see.

JARVIS: Oh, okay.

W. FAIRCHILD: And ah, and ah, but I assure you the deal was made when that was, that was legitimate, see.

JARVIS: Okay, now, are you gonna be 'round most of the day tomorrow? 'Cause-

W. FAIRCHILD: All day.

JARVIS: Okay, I'll call you just as soon as I meet with them, and I'll let you know what, what happens. Okay?

W. FAIRCHILD: Okay, good.

JARVIS: See you tomorrow-

W. FAIRCHILD: All right.

END OF CONVERSATION

JARVIS: My name is ROBERT L. JARVIS, JR. The foregoing conversation was a telephone conversation between myself and WILEY FAIRCHILD, made at approximately 5:54 on April the 18th, 1984.

DEFENSE EXHIBIT 17 A

DEFENDANT'S EXHIBIT 17A

MARIE FAIRCHILD: Hello.

R. L. JARVIS: MARIE?

M. FAIRCHILD: Uh-huh-

JARVIS: This is SKIP. Is Mr. WILEY around?

M. FAIRCHILD: Yeah, just a minute, SKIP.

WILEY FAIRCHILD: Yeah.

JARVIS: Hey, I hope I caught you during the sports. I called over there, and they, they said that they were gonna be tied up tonight, and they weren't gonna meet with me tonight, ah that they wanted to get back with me some time tomorrow-

W. FAIRCHILD: Uh-huh.

JARVIS: So I don't know what time they're gonna corner me. Listen. There's, there's one thing I wanna ask you though before they talk to me.

W. FAIRCHILD: Yeah.

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W. FAIRCHILD: When the deal was made, when we, when the verbal deal was made, hell yeah.

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W. FAIRCHILD:	Well, you don't know nothing about what that ah- You don't ah-
JARVIS:	Okay, you just want me, you just want me to handle it like that.
W. FAIRCHILD:	Yeah, but ah, but ah, but it's like it's happened so many times. A deal is made way before everything is, the papers is drawn up, see.
JARVIS:	Oh, okay.
W. FAIRCHILD:	And ah, and ah, but I assure you the deal was made when that was, that was legitimate, see.
JARVIS:	Okay, now, are you gonna be 'round most of the day tomorrow? 'Cause-
W. FAIRCHILD:	All day.
JARVIS:	Okay, I'll call you just as soon as I meet with them, and I'll let you know what, what happens. Okay?
W. FAIRCHILD:	Okay, good.
JARVIS:	See you tomorrow-
W. FAIRCHILD:	All right.

END OF CONVERSATION

JARVIS:	My name is ROBERT L. JARVIS, JR. The foregoing conversation was a telephone conversation between myself and WILEY FAIRCHILD, made at approximately 5:54 on April the 18th, 1984.

EXHIBIT NO. D-16A Evid
CAUSE NO. H85-00 012 (L)
WITNESS Walter L. Jarvis Jr.
PAGES 37

JAN 29 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF [illegible]
Clare Scott REPORTER

DEFENSE EXHIBIT 19

DEFENDANT'S EXHIBIT 19

NEGOTIABLE PROMISSORY NOTE

STATE OF MISSISSIPPI
COUNTY OF

For value received, the undersigned, WALTER L. NIXON, JR., hereby unconditionally promises to pay to the order of W. R. FAIRCHILD CONSTRUCTION CO., LTD., Post Office Box 1857, Hattiesburg, Mississippi, 39401, in lawful money of the United States of America, the principal sum of Four Thousand Five Hundred and No/100 Dollars ($4,500.00), together with simple interest on the unpaid balance thereof at the rate of ten percent (10%) per annum from and after date hereof, due and payable three (3) years from the date hereof, which due date shall be February 25, 1983.

The undersigned maker hereby agrees that upon the nonpayment at any maturity of any of the obligations or liabilities hereof, or upon the suspension, failure or insolvency, or upon any application for the adjudication of bankruptcy of any party hereto, or upon the application by or against any party hereto for a respite, assignment, or receivership, then and in any such case this note and all the obligations and liabilities hereof shall forthwith mature and become immediately due and payable, without demand or notice, anything to the contrary herein notwithstanding.

The undersigned maker hereby further agrees to pay the fees of an attorney at law who, owing to default in the payment of any sum due hereunder or in the performance of any other terms or conditions hereof, may be employed to recover the amount hereof, or any part thereof, in principal or interest, or to protect the interest of the holders hereof, or to compromise, or to take other action in regard hereto, which fees shall in no event be less than fifteen percent (15%) of the amount then owing and sought to be collected, protected or preserved.

All parties hereto severally waive presentment for payment, demand, notice of nonpayment, protest, and notice of protest, and agree that the payment hereof may be extended from time to time, one or more times, without notice and without prejudice to the rights of the holders hereunder.

PAID

All parties hereto recognize that time is of the essence of this obligation and the undersigned maker hereby agrees that any sum delinquent hereunder or under any security instrument securing this obligation shall bear interest at the highest lawful rate permitted by the laws of the State of Mississippi.

The undersigned maker hereby reserves the right to prepay at any time, without penalty, all or any part of the indebtedness hereby evidenced. Any such prepayment shall not affect the principal amount then due.

This instrument is to be governed by and construed under the laws of the State of Mississippi.

Witness execution hereof on this, the 25th day of February, 1980.

Walter L. Nixon Jr.
WALTER L. NIXON, JR.

Paid in full
3/7/83
WR Fairchild Construction Co.
by RL Jarvis, Jr

NEGOTIABLE PROMISSORY NOTE

STATE OF MISSISSIPPI
COUNTY OF

For value received, the undersigned, WALTER L. NIXON, JR., hereby unconditionally promises to pay to the order of W. R. FAIRCHILD CONSTRUCTION CO., LTD., Post Office Box 1857, Hattiesburg, Mississippi, 39401, in lawful money of the United States of America, the principal sum of Three Thousand Dollars ($3,000.00), together with simple interest on the unpaid balance thereof at the rate of ten percent (10%) per annum from and after date hereof, due and payable three (3) years from the date hereof, which due date shall be February 25, 1983.

The undersigned maker hereby agrees that upon the nonpayment at any maturity of any of the obligations or liabilities hereof, or upon the suspension, failure or insolvency, or upon any application for the adjudication of bankruptcy of any party hereto, or upon the application by or against any party hereto for a respite, assignment, or receivership, then and in any such case, this note and all the obligations and liabilities hereof shall forthwith mature and become immediately due and payable, without demand or notice, anything to the contrary notwithstanding.

The undersigned maker hereby further agrees to pay the fees of an attorney at law who, owing to default in the payment of any sum due hereunder or in the performance of any other terms or conditions hereof, may be employed to recover the amount hereof, or any part thereof, in principal or interest, or to protect the interest of the holders hereof, or to compromise, or to take other action in regard hereto, which fees shall in no event be less than fifteen percent (15%) of the amount then owing and sought to be collected, protected or preserved.

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WALTER L. NIXON, JR.

Paid in full
3/7/83
J. R. Fairchild Construction Co. Ltd
by RL Jarvis, Jr

EXHIBIT NO. D-19 E110
CAUSE NO. H85-000121(L)
WITNESS Walter L. Jarvis, Jr.
PAGES 3

JAN 29 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Elaine Scott REPORTER

NEGOTIABLE PROMISSORY NOTE

STATE OF MISSISSIPPI
COUNTY OF

For value received, the undersigned, WALTER L. NIXON, JR., hereby unconditionally promises to pay to the order of W. R. FAIRCHILD CONSTRUCTION CO., LTD., Post Office Box 1857, Hattiesburg, Mississippi, 39401, in lawful money of the United States of America, the principal sum of Two Thousand Dollars ($2,000.00), together with simple interest on the unpaid balance thereof at the rate of ten percent (10%) per annum from and after date hereof, due and payable three (3) years from the date hereof, which due date shall be February 25, 1983.

The undersigned maker hereby agrees that upon the nonpayment at any maturity of any of the obligations or liabilities hereof, or upon the suspension, failure or insolvency, or upon any application for the adjudication of bankruptcy of any party hereto, or upon the application by or against any party hereto for a respite, assignment, or receivership, then and in any such case, this note and all the obligations and liabilities hereof shall forthwith mature and become immediately due and payable, without demand or notice, anything to the contrary notwithstanding.

The undersigned maker hereby further agrees to pay the fees of an attorney at law who, owing to default in the payment of any sum due hereunder or in the performance of any other terms or conditions hereof, may be employed to recover the amount hereof, or any part thereof, in principal or interest, or to protect the interest of the holders hereof, or to compromise, or to take other action in regard hereto, which fees shall in no event be less than fifteen percent (15%) of the amount then owing and sought to be collected, protected or preserved.

PAID

All parties hereto severally waive presentment for payment, demand, notice of nonpayment, protest, and notice of protest, and agree that the payment hereof may be extended from time to time, one or more times, without notice and without prejudice to the rights of the holders hereunder.

All parties hereto recognize that time is of the essence of this obligation and the undersigned maker hereby agrees that any sum delinquent hereunder or under any security instrument securing this obligation shall bear interest at the highest lawful rate permitted by the laws of the State of Mississippi.

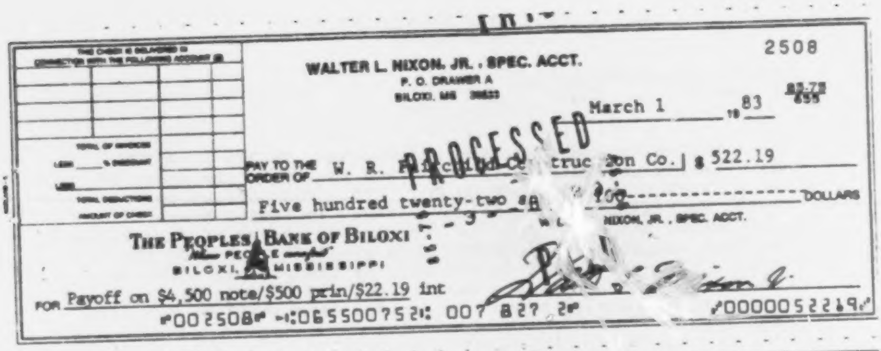
The undersigned maker hereby reserves the right to prepay at any time, without penalty, all or any part of the indebtedness hereby evidenced. Any such prepayment shall not affect the principal amount then due.

This instrument is to be governed by and construed under the laws of the State of Mississippi.

Witness execution hereof on this, the 25th day of February, 1980.

Walter L. Nixon Jr.
WALTER L. NIXON, JR.

Paid in full
9/16/82
W.R. Fairchild Construction Co
by RL [illegible]



THIS CHECK IS DELIVERED IN CONNECTION WITH THE FOLLOWING ACCOUNT (S)

TOTAL OF INVOICES
LESS ___ % DISCOUNT
LESS
TOTAL DEDUCTIONS
AMOUNT OF CHECK

2508

WALTER L. NIXON, JR., SPEC. ACCT.
P. O. DRAWER A
BILOXI, MS 39533

March 1 19 83

$\frac{85-73}{655}$

PROCESSED

PAY TO THE ORDER OF W. R. Fairchild Construction Co. $ 522.19

Five hundred twenty-two & 19/100 DOLLARS

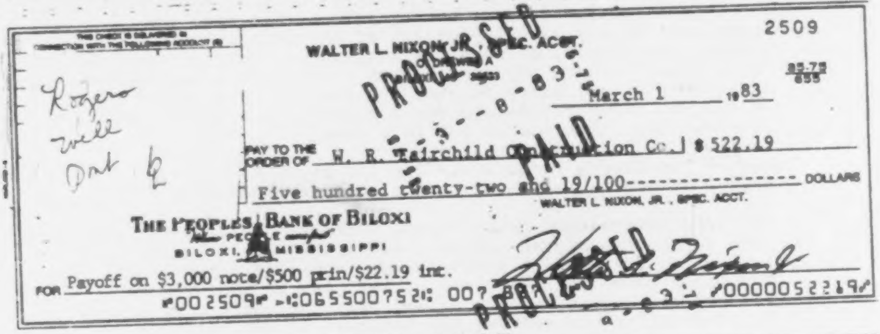
3-8-83

WALTER L. NIXON, JR., SPEC. ACCT.

THE PEOPLES BANK OF BILOXI
BILOXI, MISSISSIPPI

FOR Payoff on $4,500 note/$500 prin/$22.19 int

⑈002508⑈ ⑆065500752⑆ 007 827 2⑈ ⑈0000052219⑈



THIS CHECK IS DELIVERED IN CONNECTION WITH THE FOLLOWING ACCOUNT (S)

Rogers
Well
Pmt
[illegible]

2509

WALTER L. NIXON, JR., SPEC. ACCT.
P. O. DRAWER A
BILOXI, MS 39533

PROCESSED

3-8-83

March 1 19 83

$\frac{85-73}{655}$

PAID

PAY TO THE ORDER OF W. R. Fairchild Construction Co. $ 522.19

Five hundred twenty-two and 19/100 DOLLARS

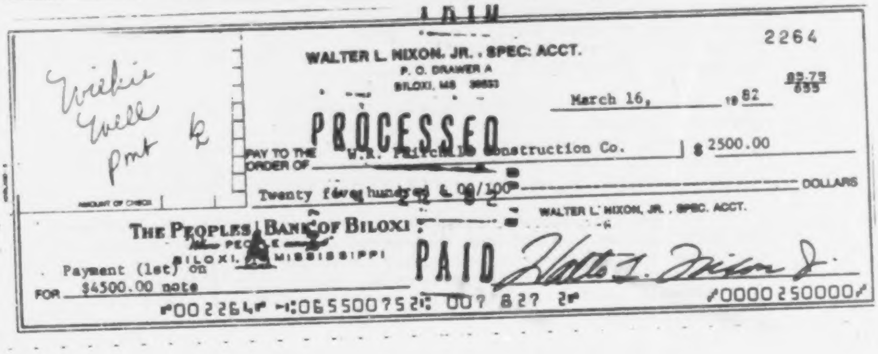
WALTER L. NIXON, JR., SPEC. ACCT.

THE PEOPLES BANK OF BILOXI
BILOXI, MISSISSIPPI

FOR Payoff on $3,000 note/$500 prin/$22.19 int.

⑈002509⑈ ⑆065500752⑆ 007 827 2⑈ ⑈0000052219⑈

PROCESSED



Vickie
Well
Pmt
[illegible]

AMOUNT OF CHECK

2264

WALTER L. NIXON, JR., SPEC. ACCT.
P. O. DRAWER A
BILOXI, MS 39533

March 16, 19 82

$\frac{85-73}{655}$

PROCESSED

PAY TO THE ORDER OF W.R. Fairchild Construction Co. $ 2500.00

Twenty five hundred & 00/100 DOLLARS

WALTER L. NIXON, JR., SPEC. ACCT.

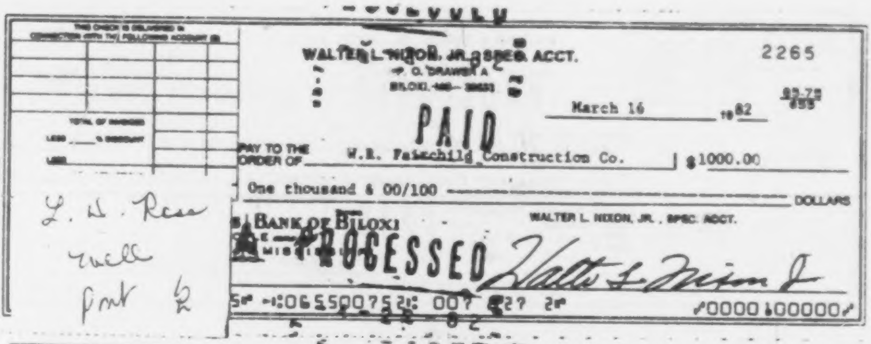
THE PEOPLES BANK OF BILOXI
BILOXI, MISSISSIPPI

PAID

Walter L. Nixon Jr.

FOR Payment (1st) on $4500.00 note

⑈002264⑈ ⑆065500752⑆ 007 827 2⑈ ⑈0000250000⑈



THIS CHECK IS DELIVERED IN CONNECTION WITH THE FOLLOWING ACCOUNT (S)

TOTAL OF INVOICES

LESS ___ % DISCOUNT

LESS

L. W. Ross
well
pmt

WALTER L. NIXON, JR., SPEC. ACCT.
P. O. DRAWER A
BILOXI, MS 39533

2265

85-73
655

PAID

March 16 19 82

PAY TO THE ORDER OF W.R. Fairchild Construction Co. $ 1000.00

One thousand & 00/100 DOLLARS

BANK OF BILOXI

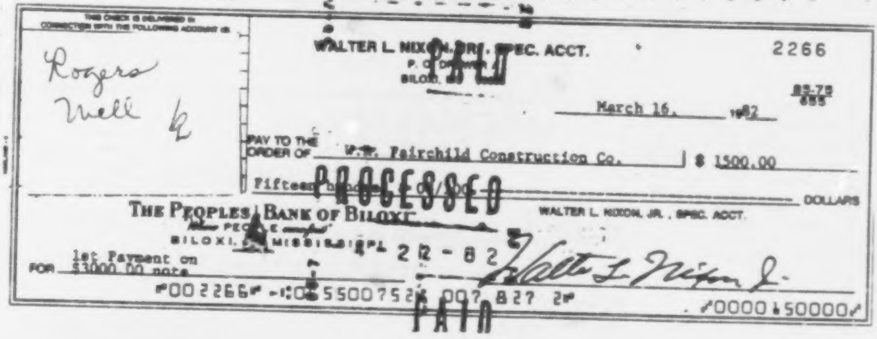
MISSISSIPPI

WALTER L. NIXON, JR., SPEC. ACCT.

PROCESSED

Walter L. Nixon Jr.

-:065500752: 007 827 2 ⑈0000100000⑈



THIS CHECK IS DELIVERED IN CONNECTION WITH THE FOLLOWING ACCOUNT (S)

Rogers
Well

WALTER L. NIXON, JR., SPEC. ACCT.
P. O. DRAWER A
BILOXI, MS

2266

PAID

85-73
655

March 16, 19 82

PAY TO THE ORDER OF W.R. Fairchild Construction Co. $ 1500.00

Fifteen hundred & 00/100 DOLLARS

PROCESSED

THE PEOPLES BANK OF BILOXI
More PEOPLE compliment
BILOXI, MISSISSIPPI

WALTER L. NIXON, JR., SPEC. ACCT.

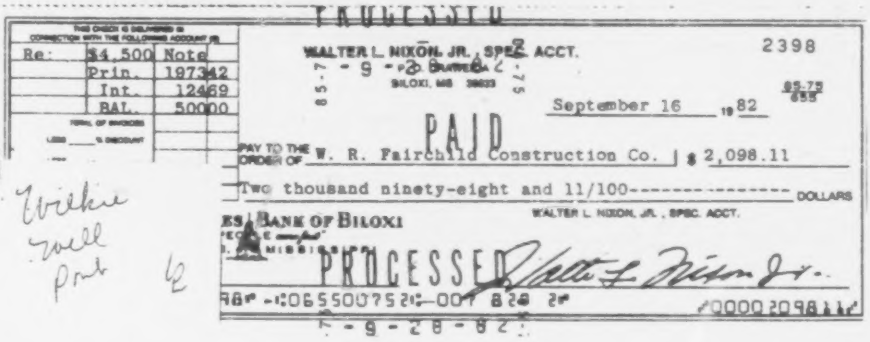
FOR 1st Payment on $3000.00 note

Walter L. Nixon Jr.

⑈002266⑈ -:065500752: 007 827 2 ⑈0000150000⑈

2-22-82

PAID



PROCESSED

THIS CHECK IS DELIVERED IN CONNECTION WITH THE FOLLOWING ACCOUNT (S)

Re:	$4,500	Note
	Prin.	1973.42
	Int.	124.69
	BAL.	500.00

TOTAL OF INVOICES

LESS ___ % DISCOUNT

Wilkie
well
pmt

WALTER L. NIXON, JR., SPEC. ACCT.
P. O. DRAWER A
BILOXI, MS 39533

2398

85-73
655

September 16 19 82

PAID

PAY TO THE ORDER OF W. R. Fairchild Construction Co. $ 2,098.11

Two thousand ninety-eight and 11/100--------------- DOLLARS

BANK OF BILOXI
PEOPLE compliment
MISSISSIPPI

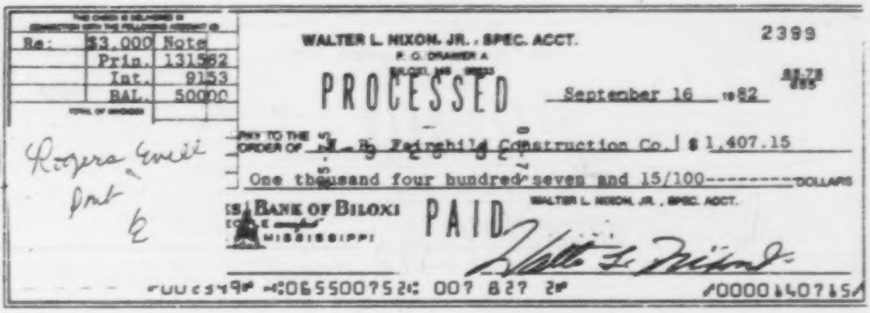
WALTER L. NIXON, JR., SPEC. ACCT.

PROCESSED

Walter L. Nixon Jr.

-:065500752: 007 828 2 ⑈0000209811⑈

9-28-82



Re:	$3,000	Note
	Prin.	131562
	Int.	9153
	BAL.	50000

Rogers, Ewell
pmt
R

WALTER L. NIXON, JR., SPEC. ACCT.
P. O. DRAWER A

2399

PROCESSED

September 16 1982

85-75
655

PAY TO THE ORDER OF W. B. Fairchild Construction Co. $ 1,407.15

One thousand four hundred seven and 15/100--------- DOLLARS

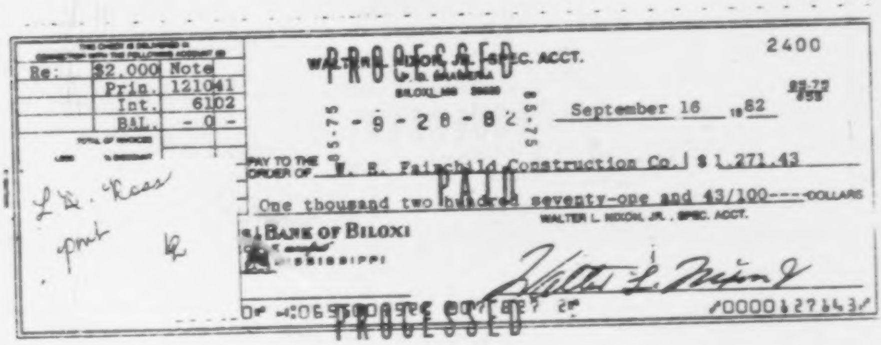
BANK OF BILOXI
MISSISSIPPI

PAID

WALTER L. NIXON, JR., SPEC. ACCT.

Walter L. Nixon Jr.

⑈002399⑈ ⑆065500752⑆ 007 827 2⑈ ⑈0000140715⑈



Re:	$2,000	Note
	Prin.	121041
	Int.	6102
	BAL.	- 0 -

L. B. Ross
pmt
R

WALTER L. NIXON, JR., SPEC. ACCT.
BILOXI, MS

2400

PROCESSED

85-75 9-28-82 85-75

September 16 1982

85-75
655

PAY TO THE ORDER OF W. B. Fairchild Construction Co. $ 1,271.43

One thousand two hundred seventy-one and 43/100--- DOLLARS

PAID

WALTER L. NIXON, JR., SPEC. ACCT.

BANK OF BILOXI
MISSISSIPPI

Walter L. Nixon Jr.

0⑈ ⑆065500752⑆ 007 827 2⑈ ⑈0000127143⑈

PROCESSED

DEFENSE EXHIBIT 20

A20

Well name Charles E. Wil GU 28-1 Operator EXXON PORATION Permit No. 2746

Field HATTER'S POND Pool S-T-R S28, T2S, R1W Type

DEFENDANT'S EXHIBIT 2D

(1980)	OIL/ COND.	GAS	WATER	(1981)	OIL/ COND.	GAS	WATER
JAN.				JAN.	0	0	
FEB.				FEB.	0	0	
MAR.				MAR.	0	0	
APR.				APR.	0	0	
MAY				MAY	0	0	
JUN.	2106	5657		JUN.	0	0	
JUL.	1814	4872		JUL.	0	0	
AUG.	0	0		AUG.	0	0	
SEPT.	0	0		SEPT.	0	0	
OCT.	0	0		OCT.	52289	194207	0
NOV.	0	0		NOV.	51232	186783	0
DEC.	0	0		DEC.	51900	190876	0
YRLY TOTALS	3920	10529		YRLY TOTALS	155421	571866	0
CUMUL. TOTALS	3920	10529		CUMUL. TOTALS	159341	582395	0
(1982)				(1983)			
JAN.	47489	174615	5	JAN.	39112	138271	340
FEB.	52284	178285	0	FEB.	30209	104796	88
MAR.	46325	151040	90	MAR.	32418	112822	235
APR.	18290	65249	14	APR.	32308	103340	397
MAY	37130	127186	100	MAY	33439	110103	568
JUN.	38419	145301	63	JUN.	30850	103071	143
JUL.	42802	171962	413	JUL.	39370	131954	11[illegible]
AUG.	37271	145688	14	AUG.	42838	146974	54[illegible]
SEPT.	37825	145223	81	SEPT.	17450	62332	251
OCT.	35807	128182	209	OCT.	33753	134530	38[illegible]
NOV.	31677	118623	192	NOV.	40026	164522	298
DEC.	34650	123204	204	DEC.	38670	141546	246
YRLY TOTALS	459969	1674558	1385	YRLY TOTALS	410473	1453371	3507
CUMUL. TOTALS	619310	2256953	1385	CUMUL. TOTALS	1029783	3710324	4892

2929

Well name ______ Operator ______ Permit No. 2746

Field ______ Pool ______ S-T-R ______ Type ______

(1984)	OIL/ COND.	GAS	WATER	(1985)	OIL/ COND	GAS	WATER
JAN.	34756	125171	343	JAN.	48437	199937	433
FEB.	21590	74508	271	FEB.	42319	171398	637
MAR.	23097	78572	382	MAR.	45345	180443	737
APR.	27685	101672	425	APR.	36282	126970	535
MAY	39404	152175	634	MAY	43377	156394	479
JUN.	41836	164117	699	JUN.	39252	149778	616
JUL.	39193	149303	388	JUL.	38070	145551	621
AUG.	27742	103479	188	AUG.	18738	60773	639
SEPT.	23891	86052	196	SEPT.	22049	73688	546
OCT.	48736	186524	454	OCT.			
NOV.	41665	182740	436	NOV.			
DEC.	51435	198299	499	DEC.			
YRLY TOTALS	430930	1622612	4909	YRLY TOTALS			
CUMUL. TOTALS	1460713	5332836	9801	CUMUL. TOTALS			

(1986)				(1987)			
JAN.				JAN.			
FEB.				FEB.			
MAR.				MAR.			
APR.				APR.			
MAY				MAY			
JUN.				JUN.			
JUL.				JUL.			
AUG.				AUG.			
SEPT.				SEPT.			
OCT.				OCT.			
NOV.				NOV.			
DEC.				DEC.			
YRLY TOTALS				YRLY TOTALS			
CUMUL. TOTALS				CUMUL. TOTALS			

GAS

Utilization	Mcf
Processors field operations FIELD FUEL	2157
Vented to atmosphere: Non hydrocarbon gas ACID GAS	[illegible]
Hydrocarbon gas	
Shrinkage 123 CONDENSATE	41765
Others (denote) METER DIFFERENCE	45788
Others (denote) PLANT FUEL	58259
Delivered to transporter	
Name of company / Address	
UNITED GAS PIPELINE CO., 3350 SUNCREST RD., EIGHT MILE, AL 36613	
Total	622,711

CONDENSATE

Utilization	Barrels
Producer field operation	
Others (denote)	
Others (denote)	
Delivered to transporter	
Name of company / Address	
HESS PIPELINE CO., P.O. BOX 332, PURVIS, MS 39475	270,864
EXXON CO. USA, P.O. BOX 60626, NEW ORLEANS, LA 70160	-0-
GETTY OIL CO., P.O. BOX 16070, MOBILE, LA 36616	50
Total	270,914

Utilization of produced water	Barrels
Injection by disposal well	
Others (denote) TOTAL WATER PRODUCED	3423
Total	3423

Remarks

Executed this the 23 day of OCTOBER, 19 84

State of TEXAS

County of HARRIS

Signature of Affiant

Before me, the undersigned authority, on this day personally appeared L. L. ROBBITT known to me to be the person whose name is subscribed to the above instrument, who being by me duly sworn on oath states, that he is duly authorized to make the above report and that he has knowledge of the facts stated therein, and that said report is true and correct.

Subscribed and sworn to before me this ______ day of ______________, 19____

SEAL

My commission expires ____________________

Notary Public in and for HARRIS

County, TEXAS

INSTRUCTIONS Read Carefully and Comply Fully

This report shall be filed in DUPLICATE with the State Oil and Gas Board on or before the 28th day of each calendar month, and shall be complete as to data covering the calendar month next preceding the date of filing.

In unitized fields, indicate total number of wells utilized in unit operations during the month.

The addresses of the producer, as required on this report, shall be clear and definite as to street number, City, and State.

All volumes of gas shall be reported in Mcf computed at 14.65 psia pressure and 60° F. Do not use fractions of Mcf in this report.

All amounts of condensate shall be reported in barrels of 42 U.S. gallons. Make a separate report for each field or pool. Under Well Status, use the following symbols: (F) Flowing; (P) Pumping; (G) Gas Lift; (SI) Shut In; (TA) Temporarily Abandoned; (NW) New Well; and (PA) Plugged and Abandoned Well.

GAS

Utilization	Mcf
a.	
Producers field operations	3433
Vented to atmosphere Sweet, dry or sour gas ACID GAS	74104
Hydrocarbon gas	-0-
Shrinkage 12% CONDENSATE	101,316
Others (denote) METER DIFFERENCE	532931
Others (denote) PLANT FUEL	61591
Deliveries to transporter Name of company / Address	
UNITED GAS PIPELINE CO., 3350 SUNCREST RD. EIGHT MILE, AL 36613	
Total	773375

CONDENSATE

Utilization	Barrels
Producers field operation	
Others (denote)	
Others (denote)	
Deliveries to transporter Name of company / Address	
HESS PIPELINE CO., P.O. BOX 332, PURVIS, MS 39475	[illegible]
EXXON CO. USA, P.O. BOX 60626, NEW ORLEANS, LA 70160	-0-
GETTY OIL CO., P.O. BOX 16878, MOBILE, LA 36616	50
Total	317,797

Utilization of produced water	Barrels
Injection by disposal well	
Others (denote) TOTAL WATER PRODUCED	7776
Total	7776

Remarks

Executed this the 20 day of SEPTEMBER, 1985.

Signature of Affiant

State of TEXAS

County of HARRIS

Before me, the undersigned authority, on this day personally appeared L. L. BERRITT known to me to be the person whose name is subscribed to the above instrument, who being by me duly sworn on oath states, that he is duly authorized to make the above report and that he has knowledge of the facts stated therein, and that said report is true and correct.

Subscribed and sworn to before me this 23 day of September, 1985

Chrissandra A. Hilliard

CHRISSANDRA A. HILLIARD
Notary Public, State of Texas
My Commission Expires 2-11-89

Notary Public in and for HARRIS

County, TEXAS

SEAL

My commission expires

INSTRUCTIONS Read Carefully and Comply Fully

This report shall be filed in DUPLICATE with the State Oil and Gas Board on or before the 28th day of each calendar month, and shall be complete as to data covering the calendar month next preceding the date of filing.

In unitized fields, indicate total number of wells utilized in unit operations during the month.

The addresses of the producer, as required on this report, shall be clear and definite as to street number, City, and State.

All volumes of gas shall be reported in Mcf computed at 14.65 psia pressure and 60° F. Do not use fractions of Mcf in this report.

All amounts of condensate shall be reported in barrels of 42 U.S. gallons. Make a separate report for each field or pool. Under Well Status, use the following symbols:

(F) Flowing; (P) Pumping; (G) Gas Lift; (SI) Shut In; (TA) Temporarily Abandoned; (NW) New Well; and (PA) Plugged and Abandoned Well.

DISPOSITIONS

GAS

Utilization	Mcf
Producers field operations	3801
Vented to Atmosphere Non-hydrocarbon gas ACID GAS	67494
Hydrocarbon gas	-0-
Shrinkage 12% CONDENSATE	99658
Others (denote) METER DIFFERENCE	35745
Others (denote) PLANT FUEL	60585
Fuel gas to comp	17,324
Deliveries to transporter	
Name of company / Address	
UNITED GAS PIPELINE CO., 3350 SUNCREST RD., EIGHT MILE, AL 36613	561398
Total	846005

CONDENSATE

Utilization	Barrels
Producer field operation	
Others (denote)	
Others (denote)	
Deliveries to transporter	
Name of company / Address	
HESS PIPELINE CO., P.O. BOX 332, PURVIS, MS 39475	297076
EXXON CO. USA, P.O. BOX 60626, NEW ORLEANS, LA 70160	-0-
GETTY OIL CO., P.O. BOX 16878, MOBILE, LA 36616	126.
Total	297202

Utilization of produced water	Barrels
Injection by disposal well	
Others (denote)	3940
Total	3940

Remarks

Executed this the 22 day of AUGUST, 19 85

State of TEXAS

County of HARRIS

✓ L L Babbitt
Signature of Affiant

Before me, the undersigned authority, on this day personally appeared L L BABBITT known to me to be the person whose name is subscribed to the above instrument, who being by me duly sworn on oath states, that he is duly authorized to make the above report and that he has knowledge of the facts stated therein, and that said report is true and correct.

Subscribed and sworn to before me this 23 day of August, 19 85

Chrissandra A. Williams

Notary Public in and for HARRIS

County, TEXAS

SEAL

CHRISSANDRA A. WILLIAMS
Notary Public, State of Texas

My commission expires My Commission Expires 2-11-89

INSTRUCTIONS Read Carefully and Comply Fully

This report shall be filed in DUPLICATE with the State Oil and Gas Board on or before the 28th day of each calendar month, and shall be complete as to data covering the calendar month next preceding the date of filing.

In unitized fields, indicate total number of wells utilized in unit operations during the month.

The addresses of the producer, as required on this report, shall be clear and definite as to street number, City, and State.

All volumes of gas shall be reported in Mcf computed at 14.65 psia pressure and 60° F. Do not use fractions of Mcf in this report.

All amounts of condensate shall be reported in barrels of 42 U.S. gallons. Make a separate report for each field or pool. Under Well Status, use the following symbols: (F) Flowing; (P) Pumping; (G) Gas Lift; (SI) Shut In; (TA) Temporarily Abandoned; (NW) New Well; and (PA) Plugged and Abandoned Well.

FORM OGB-16
See instructions on reverse side of form
Rev. 12-84

STATE OIL AND GAS BOARD OF ALABAMA

420 Hackberry Lane
P. O. Box O, University Station
Tuscaloosa, Alabama 35486

PRODUCER'S MONTHLY REPORT FROM GAS WELLS

(file in duplicate)

Month July 19 85

Field HATTER'S POND County MOBILE
Operator GETTY OIL CO./Texaco Inc Address P. O. BOX 52332 City HOUSTON State TEXAS Zip 77052
Person to contact regarding this report L. L. BOBBITT Phone number 713-650-5794

PRODUCTION

Pool Well name and number	Permit no.	Well Status	No. days producing	WATER (BBLS) Total water produced	GAS (Mcf) Total gas production F.W.S.V.*	GAS (Mcf) Total sales gas	CONDENSATE (BARRELS) Total condensate produced	CONDENSATE (BARRELS) Total condensate on hand beginning of month	CONDENSATE (BARRELS) Total condensate to transporter	CONDENSATE (BARRELS) Total condensate on hand end of month	CONDENSATE (BARRELS) Gas condensate ratio (cu. ft. per barrel)
CREOLA MINERALS 35-11 #3	3277	F	31	405	126745	59172	33031	1076	33031	1076	
CREOLA MINERALS 33-16 #1	3451	F	26	173	38433	16,323	11035	372	11025	382	
				*(PROD. - COND. USED FOR TREATING = ACTUAL PROD).							
				(11035 - 10 = 11025)							
				*(TOTAL SALES - COND. USED FOR TREATING = ACTUAL PIPELINE SALES)							
				(11025 - 10 = 11015)							
D. C. BALDWIN 21-15 #1	3697	F	31	804	119554	57758	28495	994	28495	994	
ADAMS 9-16 #1	3995	F	31	407	88460	41,553	22397	712	22397	712	
BD. OF SCH. COMM 16-7 #1	2545	F	3	3	2261	1,256	344	394	271	467	
				*(PROD. - COND. USED FOR TREATING = ACTUAL PROD.)							
				(344 - 76 = 268)							
				*(TOTAL SALES - COND. USED FOR TREATING = ACTUAL PIPELINE SALES)							
				(271 - 76 = 195)							
Totals	☒	☒	☒	3940	1,185002	561998	297,147	9827	297,076	9948	☒

2933

FORM OGB-16
See instructions on reverse side of form
Rev. 12 84

STATE OIL AND GAS BOARD OF ALABAMA
420 Hackberry Lane
P. O. Box O, University Station
Tuscaloosa, Alabama 35486

PRODUCER'S MONTHLY REPORT FROM GAS WELLS
(file in duplicate)

Month July, 19[illegible]

Field HATTER'S POND County MOBILE
Operator GETTY OIL CO. Address P. O. BOX 52332 City HOUSTON State TEXAS Zip 77052
Person to contact regarding this report L. L. BOBBITT Phone number 713-659-5794

PRODUCTION

				WATER (BBLS)	GAS (Mcf)		CONDENSATE (BARRELS)				
Pool Well name and number	Permit no.	Well Status	No. days producing	Total water produced	Total gas production F.W.S.V.*	Total sales gas	Total condensate produced	Total condensate on hand beginning of month	Total condensate to transporter	Total condensate on hand end of month	Gas condensate ratio (cu. ft. per barrel)
D. C. BALDWIN 15-6 #1	2270	F	31	372	171301	82478	40516	1505	40497	1524	
				*(PROD. - COND. USED FOR TREATING = ACTUAL PROD.)							
				(40516 - 20 = 40496)							
				*(TOTAL SALES - COND. USED FOR TREATING = ACTUAL PIPELINE SALES)							
				(40497 - 20 = 40477)							
CREOLA MINERALS 2-6 #1	2740	F	31	554	196151	91,495	50293	1510	50293	1510	
G. RADCLIFF 17-7 #1	2961	F	31	31	23429	12,619	1796	44	1787	53	
				*(PROD. - COND. USED FOR TREATING = ACTUAL PROD.)							
				(1796 - 10 = 1786)							
				*(TOTAL SALES - COND. USED FOR TREATING = ACTUAL PIPELINE SALES)							
				(1787 - 10 = 1777)							
WILKIE, G. U. 28 #1	2746	F	31	621	145,551	70,200	38070	1435	38,070	1,435	
				*(PROD. - COND. USED FOR TREATING = ACTUAL PROD.)							
				*(TOTAL SALES - COND. USED FOR TREATING = ACTUAL PIPELINE SALES)							
Totals	☒	☒	☒								☒

*F.W.S.V. Full well stream volume

2934

FORM OGB-10
See Instructions on reverse side of form
Rev. 12 84

STATE OIL AND GAS BOARD OF ALABAMA

420 Hackberry Lane
P. O. Box O, University Station
Tuscaloosa, Alabama 35486

PRODUCER'S MONTHLY REPORT FROM GAS WELLS

(file in duplicate)

Month [illegible], 19[illegible]

Field HATTER'S POND County MOBILE

Operator GETTY OIL CO. Address P. O. BOX 52332 City HOUSTON State TEXAS Zip 77052

Person to contact regarding this report L. L. BOBBITT Phone number 713-650-5794

PRODUCTION

Pool Well name and number	Permit no.	Well Status	No. days producing	WATER (BBLS)	GAS (Mcf)		CONDENSATE (BARRELS)				
				Total water produced	Total gas production F.W.S.V.*	Total sales gas	Total condensate produced	Total condensate on hand beginning of month	Total condensate to transporter	Total condensate on hand end of month	Gas condensate ratio (cu. ft. per barrel)
PETER KLEIN 3-14 #1	1978	P	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	
			*(PROD - COND. USED FOR TREATING = ACTUAL PROD.)								
			*(TOTAL SALES - COND. USED FOR TREATING = ACTUAL PIPELINE SALES)								
E. L. HATTER 4-10 #2	2629	P	26	41	10898	5443	2209	80	2209	80	
			*(PROD. - COND. USED FOR TREATING = ACTUAL PROD.)								
			*(TOTAL SALES - COND. USED FOR TREATING = ACTUAL PIPELINE SALES)								
CREOLA MINERALS 10-11 #3	3213	P	31	107	229954	108143	61082	1448	61082	1448	
CREOLA MINERALS 34-10 #1	2735	P	31	422	32265	15578	7929	257	7919	267	
			*(PROD - COND. USED FOR TREATING = ACTUAL PROD.)								
			(7929 - 10 = 7919)								
			*(TOTAL SALES - COND. USED FOR TREATING = ACTUAL PIPELINE SALES)								
			(7919 - 10 = 7909)								
Totals	☒	☒	☒								☒

*F.W.S.V. Full well stream volume

Rev. 12/84

4.0 Hackberry Lane
P. O. Box O, University Station
Tuscaloosa, Alabama 35486

PRODUCER'S MONTHLY REPORT FROM GAS WELLS

(File in duplicate)

Month August, 1985

*Field HATTER'S POND County MOBILE

Operator GETTY OIL CO. Address P. O. BOX 52332 City HOUSTON State TEXAS Zip 77052

Person to contact regarding this report L. L. BOBBITT Phone number 713-659-5794

PRODUCTION

Pool Well name and number	Permit no.	Well Status	No. days producing	WATER (BBLS) Total water produced	GAS (Mcf) Total gas production F.W.S.V.*	 Total sales gas	CONDENSATE (BARRELS) Total condensate produced	 Total condensate on hand beginning of month	 Total condensate to transporter	 Total condensate on hand end of month	 Gas condensate ratio (cu. ft. per barrel)
D. C. BALDWIN 15-6 #1	2270	F	29	441	164872	151693	39150	1524	39204	1,470	
				*(PROD. - COND. USED FOR TREATING = ACTUAL PROD.)							
				(39150 - 20 = 39130)							
				*(TOTAL SALES - COND. USED FOR TREATING = ACTUAL PIPELINE SALES)							
				(39204 - 20 = 39184)							
CREOLA MINERALS 2-6 #1	2740	F	31	371	302924	125408	74018	1510	73829	1,699	
G. RADCLIFF 17-7 #1	2961	F	23	21	18201	8603	1278	53	1285	46	
				*(PROD. - COND. USED FOR TREATING = ACTUAL PROD.)							
				(1278 - 10 = 1268)							
				*(TOTAL SALES - COND. USED FOR TREATING = ACTUAL PIPELINE SALES)							
				(1285 - 10 = 1275)							
WILKIE, G. U. 28 #1	2746	F	20	239	60773	24,082	18738	1435	18972	1,201	
				*(PROD. - COND. USED FOR TREATING = ACTUAL PROD.)							
				*(TOTAL SALES - COND. USED FOR TREATING = ACTUAL PIPELINE SALES)							
Totals	☒	☒	☒								☒

2936

FORM OGB-10
See instructions on reverse side of form
Rev. 12/74

STATE OIL AND GAS BOARD OF ALABAMA
420 Hackberry Lane
P. O. Box O, University Station
Tuscaloosa, Alabama 35486

PRODUCER'S MONTHLY REPORT FROM GAS WELLS

(file in duplicate)

STATE OIL & GAS BOARD
OF ALABAMA
SEP 27 1985

Month August, 19 85

Field HATTER'S POND County MOBILE
Operator GETTY OIL CO. Address P. O. BOX 52332 City HOUSTON State TEXAS Zip 77052
Person to contact regarding this report L. L. BOBBITT Phone number 713-650-5794

			PRODUCTION								
				WATER (BBLS)	GAS (Mcf)		CONDENSATE (BARRELS)				
Pool Well name and number	Permit no.	Well Status	No. days producing	Total water produced	Total gas production F.W.S.V.*	Total sales gas	Total condensate produced	Total condensate on hand beginning of month	Total condensate to transporter	Total condensate on hand end of month	Gas condensate ratio (cu. ft. per barrel)
PETER KLEIN 3-14 #1	1978	F	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	
			*(PROD - COND. USED FOR TREATING = ACTUAL PROD.)								
			*(TOTAL SALES - COND. USED FOR TREATING = ACTUAL PIPELINE SALES)								
E. L. HATTER 4-10 #2	2629	F	30	32	10856	4848	2002	80	2007	75	
			*(PROD. - COND. USED FOR TREATING = ACTUAL PROD.)								
			*(TOTAL SALES - COND. USED FOR TREATING = ACTUAL PIPELINE SALES)								
CREOLA MINERALS 10-11 #3	3213	F	31	566	289487	107136	68442	1448	68430	1460	
CREOLA MINERALS 34-10 #1	2735	F	30	4318	26390	11063	6667	267	6688	246	
			*(PROD - COND. USED FOR TREATING = ACTUAL PROD.)								
			(6667 - 10 = 6657)								
			*(TOTAL SALES - COND. USED FOR TREATING = ACTUAL PIPELINE SALES)								
			(6688 - 10 = 6678.)								
Totals	☒	☒	☒								☒

*F W S V. Full well stream volume

2937

FORM OGB-16
See instructions on reverse side of form
Rev. 12-84

STATE OIL AND GAS BOARD OF ALABAMA

420 Hackberry Lane
P. O. Box O, University Station
Tuscaloosa, Alabama 35486

PRODUCER'S MONTHLY REPORT FROM GAS WELLS
(file in duplicate)

Month August 19 85

Field HATTER'S POND County MOBILE
Operator GETTY OIL CO. Address P. O. BOX 52332 City HOUSTON State TEXAS Zip 77052
Person to contact regarding this report L. L. BOBBITT Phone number 713-650-5794

PRODUCTION

				WATER (BBLS)	GAS (Mcf)		CONDENSATE (BARRELS)				
Pool Well name and number	Permit no.	Well Status	No. days pro-ducing	Total water produced	Total gas production F.W.S.V.*	Total sales gas	Total condensate produced	Total condensate on hand beginning of month	Total condensate to transporter	Total condensate on hand end of month	Gas condensate ratio (cu. ft. per barrel)
CREOLA MINERALS 35-11 #3	3277	F	31	756	125303	50442	34060	1076	34083	1053	
CREOLA MINERALS 33-16 #1	3451	F	31	91	67342	25389	18970	382	18902	450	
				*(PROD. - COND. USED FOR TREATING = ACTUAL PROD).							
				(18970 - 10 = 18960)							
				*(TOTAL SALES - COND. USED FOR TREATING = ACTUAL PIPELINE SALES)							
				(18902 - 10 = 18892)							
D. C. BALDWIN 21-15 #1	3697	F	31	435	118800	49938	28070	994	28103	961	
ADAMS 9-16 #1	3995	F	31	506	99622	40351	26201	712	26185	728	
BD. OF SCH. COMM 16-7 #1	2545	F	2	-0-	512	283	6	467	9	464	
				*(PROD. - COND. USED FOR TREATING = ACTUAL PROD.)							
				*(TOTAL SALES - COND. USED FOR TREATING = ACTUAL PIPELINE SALES)							
Totals	☒	☒	☒	7776	255082	516,636	317602	9948	317697	98[illegible]	☒

2938

EXHIBIT NO. D-20 EVID
CAUSE NO. J85-00012(L)
WITNESS Wiley Fairchild
PAGES 15

JAN 30 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Dane Scott REPORTER

DEFENSE EXHIBIT 21

Page [illegible]

FORM OGB 15
See instructions on reverse side of form
Rev. 12-64

STATE OIL AND GAS BOARD OF ALABAMA

420 Hackberry Lane
P. O. Box O, University Station
Tuscaloosa, Alabama 35486

PRODUCER'S MONTHLY REPORT FROM GAS WELLS

(file in duplicate)

Month SEPTEMBER, 1985

Field HATTER'S POND County MOBILE
Operator GETTY OIL CO./TEXACO INC. Address P. O. BOX 52332 City HOUSTON State TEXAS Zip 77052
Person to contact regarding this report J. L. BOBBITT Phone number 713-650-5794

PRODUCTION

				WATER (BBLS)	GAS (Mcf)		CONDENSATE (BARRELS)				
Pool Well name and number	Permit no.	Well Status	No. days producing	Total water produced	Total gas production F.W.S.V.*	Total sales gas	Total condensate produced	Total condensate on hand beginning of month	Total condensate to transporter	Total condensate on hand end of month	Gas condensate ratio (cu. ft. per barrel)
CREOLA MINERALS 35-11 #3	3277	F	30	683	117020	45437	31137	1053	30631	1559	
CREOLA MINERALS 33-16 #1	3451	F	29	49	46106	16868	12446	450	12298	598	
				*(PROD. - COND. USED FOR TREATING = ACTUAL PROD).							
				(12446-10 = 12436)							
				*(TOTAL SALES - COND. USED FOR TREATING = ACTUAL PIPELINE SALES)							
				(12298-10 = 12288)							
D. C. BALDWIN 21-15 #1	3697	F	30	360	109755	44121	28142	961	27657	1446	
ADAMS 9-16 #1	3995	F	30	301	101099	40165	25235	728	24810	1153	
BD. OF SCH. COMM 16-7 #1	2515	F	-0-	-0-	552	293	11	464	11	464	
				*(PROD. - COND. USED FOR TREATING = ACTUAL PROD.)							
				*(TOTAL SALES - COND. USED FOR TREATING = ACTUAL PIPELINE SALES)							
				3423	,076,712	425,297	275,170	9853	270,844	1415	

2939

FORM OGB-9
See instructions on reverse side of form
Rev. 12/84

STATE OIL AND GAS BOARD OF ALABAMA
420 Hackberry Lane
P. O. Drawer O, University Station
Tuscaloosa, Alabama 35486

PRODUCER'S MONTHLY REPORT FROM GAS WELLS

(file in duplicate)

Month [illegible] 19 85

Field HATTER'S POND County MOBILE
Operator GETTY OIL CO./[illegible] Address P. O. BOX 52332 City HOUSTON State TEXAS Zip 77052
Person to contact regarding this report L. L. BOBBITT Phone number 713-659-5794

PRODUCTION

				WATER (BBLS)	GAS (Mcf)		CONDENSATE (BARRELS)				
Pool Well name and number	Permit no.	Well Status	No. days producing	Total water produced	Total gas production F.W.S.V.*	Total sales gas	Total condensate produced	Total condensate on hand beginning of month	Total condensate to transporter	Total condensate on hand end of month	Gas condensate ratio (cu. ft. per barrel)
D. C. BALDWIN 15-6 #1	2270	F	30	328	147354	58378	37420	1470	36793	2097	
				*(PROD. - COND. USED FOR TREATING = ACTUAL PROD.)							
				(37420 - 20 = 37400)							
				*(TOTAL SALES - COND. USED FOR TREATING = ACTUAL PIPELINE SALES)							
				(36793 - 20 = 36773)							
CREOLA MINERALS 2-6 #1	2740	F	30	453	241402	95800	59684	1699	58803	2580	
G. RADCLIFF 17-7 #1	2961	F	21	18	16709	7958	1208	46	1188	66	
				*(PROD. - COND. USED FOR TREATING = ACTUAL PROD.)							
				(1208 - 10 = 1198)							
				*(TOTAL SALES - COND. USED FOR TREATING = ACTUAL PIPELINE SALES)							
				(1188 - 10 = 1178)							
WILKIE, G. U. 28 #1	2746	F	30	246	73688	28137	22049	1201	21636	1614	
				*(PROD. - COND. USED FOR TREATING = ACTUAL PROD.)							
				*(TOTAL SALES - COND. USED FOR TREATING = ACTUAL PIPELINE SALES)							
Totals	☒	☒	☒								☒

*F.W.S.V. Full well stream volume

2940

FORM OGB-16
See instructions on
reverse side of form
Rev. 12-84

STATE OIL AND GAS BOARD OF ALABAMA

420 Hackberry Lane
P. O. Box O, University Station
Tuscaloosa, Alabama 35486

PRODUCER'S MONTHLY REPORT FROM GAS WELLS

(file in duplicate)

Month September, 19 85

Field HATTER'S POND County MOBILE

Operator GETTY OIL CO/ [illegible] Address P. O. BOX 52332 City HOUSTON State TEXAS Zip 77052

Person to contact regarding this report L. L. BOBBITT Phone number 713-650-5794

PRODUCTION

Pool Well name and number	Permit no.	Well Status	No. days producing	WATER (BBLS) Total water produced	GAS (Mcf) Total gas production F.W.S.V.*	 Total sales gas	CONDENSATE (BARRELS) Total condensate produced	 Total condensate on hand beginning of month	 Total condensate to transporter	 Total condensate on hand end of month	 Gas condensate ratio (cu. ft. per barrel)
PETER KLEIN 3-14 #1	1978	F	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	
			*(PROD - COND. USED FOR TREATING = ACTUAL PROD.)								
			*(TOTAL SALES - COND. USED FOR TREATING = ACTUAL PIPELINE SALES)								
E. L. HATTER 4-10 #2	2629	F	22	22	7358	3024	1620	75	1546	99	
			*(PROD. - COND. USED FOR TREATING = ACTUAL PROD.)								
			*(TOTAL SALES - COND. USED FOR TREATING = ACTUAL PIPELINE SALES)								
CREOLA MINERALS 10-11 #3	3213	F	30	378	182,719	71,826	48,162	1460	47,535	2,084	
CREOLA MINERALS 34-10 #1	2735	F	30	585	30,976	12,291	8,056	246	7,903	399	
			*(PROD - COND. USED FOR TREATING = ACTUAL PROD.)								
			(8,056 - 10 = 8,046)								
			*(TOTAL SALES - COND. USED FOR TREATING = ACTUAL PIPELINE SALES)								
			(7,903 - 10 = 7,893)								
Totals	☒	☒	☒								☒

*F.W.S.V. Full well stream volume

2941

Rogers - 28-11
Sipp - 20-9

DEFENDANT'S EXHIBIT 21

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              MISSISSIPPI OIL AND GAS MONTHLY PRODUCTION LEDGER THROUGH DECEMBER , 1981
                                                        MONTH    OIL       $     WATER  STATUS DAYS PROD GRAV

----------  ------------------------------------------------------------------------------------------------
FIELD      GREENS CREEK FIELD                            JAN       0        0        0  CI         0    00
POOL       FIFTH HOSSTON GAS POOL                        FEB       0        0        0  CI         0    00
OPERATOR   HARKINS & CO                                  MAR       0        0        0  CI         0    00
WELL NAME  BO. OF SUPERVISORS U 16-8                     APR       0        0        0  CI         0    00
WELL NO    1-LT                                          MAY       0        0        0  CI         0    00
COUNTY     JEFFERSN DAVIS                                JUN       0        0        0  CI         0    00
                                                         JUL       0        0        0  CI         0    00
CUMULATIVES TO 01/01/81           YTD CUMULATIVES        AUG       0        0        0  CI         0    00
                                                         SEP       0        0        0  CI         0    00
OIL                1,983                    1,983        OCT       0        0        0  CI         0    00
GAS            1,091,091                1,091,091        NOV       0        0        0  CI         0    00
WATER             11,043                   11,043        DEC       0        0        0  CI         0    00
                                                      ** TOTAL     0        0        0
--------------------------------------------------------------------------------------------------------
FIELD      GREENS CREEK FIELD                            JAN       0        0        0            00    00
POOL       HOSSTON-HARPER GAS POOL                       FEB       0        0        0            00    00
OPERATOR   GETTY OIL CO                                  MAR       0        0        0            00    00
WELL NAME  ROGERS 28-11                                  APR    1002    86262      253  F         15    51
WELL NO    1                                             MAY    1950   194120      585  F         31    51
COUNTY     MARION                                        JUN    2548   193521      281  F         30    51
                                                         JUL    2710   209978      635  F         31    51
CUMULATIVES TO 01/01/81           YTD CUMULATIVES        AUG    2687   215712      689  F         31    51
                                                         SEP    3463   214808      692  F         30    51
OIL                    0                   22,608        OCT    2707   219792      688  F         31    51
GAS                    0                1,804,747        NOV    2722   228329      653  F         30    51
WATER                  0                    5,191        DEC    2819   242225      715  F         31    51
                                                      ** TOTAL 22608  1804747     5191
--------------------------------------------------------------------------------------------------------
FIELD      GREENS CREEK FIELD                            JAN       0        0        0            00    00
POOL       HOSSTON-HARPER GAS POOL                       FEB       0        0        0            00    00
OPERATOR   GETTY OIL CO                                  MAR       0        0        0            00    00
WELL NAME  SIPP 20-9                                     APR       0        0        0            00    00
WELL NO    2                                             MAY       0        0        0            00    00
COUNTY     MARION                                        JUN       0        0        0            00    00
                                                         JUL       0        0        0            00    00
CUMULATIVES TO 01/01/81           YTD CUMULATIVES        AUG       0        0        0            00    00
                                                         SEP       0        0        0            00    00
OIL                    0                    2,595        OCT     123    11985       38  F         03    00
GAS                    0                  235,496        NOV    1246   115171      361  F         30    00
WATER                  0                      634        DEC    1226   108340      235  F         31    00
                                                      ** TOTAL  2595   235496      634
--------------------------------------------------------------------------------------------------------
FIELD      GREENS CREEK FIELD                            JAN    1408   126989      310  F         31    48
POOL       HOSSTON-HARPER GAS POOL                       FEB    1199   110252      270  F         27    48
OPERATOR   HARKINS & CO                                  MAR    1384   125258      310  F         31    47
WELL NAME  BARNES 8-10                                   APR    1330   118464      300  F         30    47
WELL NO    1-LT                                          MAY    1333   121208      300  F         30    48
COUNTY     MARION                                        JUN    1323   118568      300  F         30    48
                                                         JUL    1368   119948      310  F         31    48
CUMULATIVES TO 01/01/81           YTD CUMULATIVES        AUG    1221   114205      278  F         28    47
                                                         SEP    1329   123448      300  F         30    49
OIL               10,421                   26,366        OCT    1376   128877      310  F         31    48
GAS              897,156                2,355,912        NOV    1277   122187      300  F         30    48
WATER              2,461                    6,063        DEC    1397    28574      314  F         30    49
                                                      ** TOTAL 15945  1458756     3602
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1982

Rogers 28-11
Sipp 20-9

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MISSISSIPPI OIL AND GAS MONTHLY PRODUCTION LEDGER THROUGH DECEMBER
                                                   MONTH    OIL      GAS     WATER  STATUS DAYS PROD GRAV
----------------------------------------------------------------------------------------------------------
FIELD      GREENS CREEK FIELD                      JAN     2678    230094     830    F         31     51
POOL       HOSSTON-HARPER GAS POOL                 FEB     2481    220415     687    F         28     51
OPERATOR   GETTY OIL CO                            MAR     2701    245884     718    F         31     51
WELL NAME  ROGERS 28-11                            APR     2450    226372     880    F         30     51
WELL NO    1                                       MAY     2612    228458     739    F         31     51
COUNTY     MARION                                  JUN     2374    221384     720    F         30     51
                                                   JUL     2288    208825     783    F         31     51
CUMULATIVES TO 01/01/82         YTD CUMULATIVES    AUG     2045    184878     418    F         30     51
                                                   SEP     2080    190177     732    F         30     51
OIL              22,608                  48,811    OCT     1884    158782     800    F         31     51
GAS           1,804,747               4,171,211    NOV     1218    108363     415    F         30     51
WATER             5,181                  12,750    DEC     1394    136852     449    F         31     51
                                              ** TOTAL    26203   2366464    7588
----------------------------------------------------------------------------------------------------------
FIELD      GREENS CREEK FIELD                      JAN      839     81388     231    F         31     00
POOL       HOSSTON-HARPER GAS POOL                 FEB      867     78500     220    F         28     00
OPERATOR   GETTY OIL CO                            MAR      828     75962     211    F         31     00
WELL NAME  SIPP 20-9                               APR      733     70050     232    P         30     00
WELL NO    2-L                                     MAY      840     74240     218    F         31     00
COUNTY     MARION                                  JUN      684     63557     210    F         30     00
                                                   JUL      684     65669     195    F         31     00
CUMULATIVES TO 01/01/82         YTD CUMULATIVES    AUG      736     70980     221    F         31     00
                                                   SEP      531     54450     182    F         24     00
OIL               2,595                  10,130    OCT       16      8458       6    P         04     00
GAS             235,496                 938,185    NOV      879     53965     255    F         20     00
WATER               634                   2,815    DEC      100      8072       0    F         08     00
                                              ** TOTAL     7535    703688    2181
----------------------------------------------------------------------------------------------------------
FIELD      GREENS CREEK FIELD                      JAN     1539    142139     354    F         31     49
POOL       HOSSTON-HARPER GAS POOL                 FEB     1447    136205     378    F         28     48
OPERATOR   HARKINS & CO                            MAR     1597    144442     420    F         30     48
WELL NAME  BARNES 8-10                             APR     1554    147275     420    F         30     48
WELL NO    1-LT                                    MAY     1560    150217     434    F         31     48
COUNTY     MARION                                  JUN     1452    147019     408    F         29     48
                                                   JUL     1479    140845     434    F         31     49
CUMULATIVES TO 01/01/82         YTD CUMULATIVES    AUG     1523    144773     414    F         31     49
                                                   SEP     1259    139157     380    F         30     49
OIL              26,366                  43,603    OCT     1124    122242     324    F         27     49
GAS           2,380,151               4,048,457    NOV     1313    138606     360    F         30     49
WATER             6,063                  10,728    DEC     1300    141288     372    F         31     49
                                              ** TOTAL    17237   1668306    4670
----------------------------------------------------------------------------------------------------------
FIELD      GREENS CREEK FIELD                      JAN     1530    141107     388    F         31     48
POOL       HOSSTON-HARPER GAS POOL                 FEB     1421    139325     378    F         28     49
OPERATOR   HARKINS & CO                            MAR      328     34443     165    F         07     48
WELL NAME  BD. OF SUPERVISORS U 16-11              APR     1487    154720     502    F         30     49
WELL NO    2                                       MAY     1527    156814     498    F         31     48
COUNTY     JEFFERSN DAVIS                          JUN     1408    148908     484    F         29     49
                                                   JUL     1439    144715     440    F         31     49
CUMULATIVES TO 01/01/82         YTD CUMULATIVES    AUG     1390    139038     440    F         30     49
                                                   SEP     1183    130720     392    F         28     46
OIL              55,330                  71,202    OCT     1301    138043     415    F         30     49
GAS           4,998,468               6,670,512    NOV     1406    134334     420    F         30     50
WATER            11,884                  16,696    DEC     1451    142977     434    F         31     49
                                              ** TOTAL    15872   1672044    4812
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2945

1983   Rogers 28-11

2946

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                        MISSISSIPPI OIL AND GAS MONTHLY PRODUCTION LEDGER THROUGH DECEMBER
                                                            MONTH     OIL       GAS     WATER  STATUS DAYS PROD GRAV

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FIELD       GREENS CREEK FIELD                               JAN      2117    208462      738    F        31     51
POOL        HOSSTON-HARPER GAS POOL                          FEB      1927    194854      734    F        28     51
OPERATOR    GETTY OIL CO                                     MAR      1959    210295      774    F        31     51
WELL NAME   ROGERS 28-11                                     APR      1627    179628      678    F        30     51
WELL NO     1                                                MAY      1632    109338      718    F        31     51
COUNTY      MARION                                           JUN       878    101558      401    F        30     51
                                                             JUL       597     82825      239    F        31     51
CUMULATIVES TO 01/01/83          YTD CUMULATIVES             AUG       795     74091      287    F        31     51
                                                             SEP       607     58285      198    F        30     51
OIL                 48,911                63,150             OCT       739     85367      228    F        31     51
GAS              4,170,831             5,649,771             NOV       768     89492      203    F        30     51
WATER               12,759                18,114             DEC       592     84747      184    F        28     51
                                                          ** TOTAL   14239   1478940     5385
-------------------------------------------------------------------------------------------------------------------
FIELD       GREENS CREEK FIELD                               JAN       918     88855      453    F        27     00
POOL        HOSSTON-HARPER GAS POOL                          FEB      1125    113702      908    F        28     00
OPERATOR    GETTY OIL CO                                     MAR      1088    105458      443    F        31     00
WELL NAME   SIPP 20-8                                        APR       983     99345      412    F        30     00
WELL NO     2-L                                              MAY       968    101249      413    F        31     51
COUNTY      MARION                                           JUN       858     58075      155    F        30     00
                                                             JUL       454     40784      195    F        31     00
CUMULATIVES TO 01/01/83          YTD CUMULATIVES             AUG       583     70210      259    F        31     00
                                                             SEP       488     49931      200    F        30     00
OIL                 10,130                18,698             OCT       480     49595      218    F        31     00
GAS                839,007             1,810,024             NOV       469     46459      187    F        30     00
WATER                2,815                 6,853             DEC       380     49576      195    F        28     00
                                                          ** TOTAL    8568    971017     4038
-------------------------------------------------------------------------------------------------------------------
FIELD       GREENS CREEK FIELD                               JAN      1417    138894      372    F        31     49
POOL        HOSSTON-HARPER GAS POOL                          FEB      1210    123020      328    F        28     50
OPERATOR    HARKINS & CO                                     MAR      1326    143091      370    F        31     50
WELL NAME   BARNES 8-10                                      APR      1283    135584      380    F        30     50
WELL NO     1-LT                                             MAY      1247    134135      380    F        30     50
COUNTY      MARION                                           JUN       524     86511      251    F        30     49
                                                             JUL       484     39389      130    F        31     50
CUMULATIVES TO 01/01/83          YTD CUMULATIVES             AUG       450     37602      124    F        30     47
                                                             SEP       309     29593      105    F        21     50
OIL                 43,803                53,679             OCT       456     46333      188    F        31     49
GAS              4,048,457             5,070,978             NOV       478     49157      186    F        29     49
WATER               10,739                13,753             DEC       512     59103      259    F        31     50
                                                          ** TOTAL    9876   1022521     3014
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FIELD       GREENS CREEK FIELD                               JAN      1445    141593      434    F        31     49
POOL        HOSSTON-HARPER GAS POOL                          FEB      1251    123368      385    F        28     50
OPERATOR    HARKINS & CO                                     MAR      1360    139856      434    F        31     50
WELL NAME   BD. OF SUPERVISORS U 16-11                       APR      1265    129440      406    F        29     50
WELL NO     2                                                MAY      1348    138843      434    F        31     50
COUNTY      JEFFERSN DAVIS                                   JUN       861     87559      294    F        30     50
                                                             JUL       426     39517      161    F        31     49
CUMULATIVES TO 01/01/83          YTD CUMULATIVES             AUG       388     38694      155    F        30     48
                                                             SEP       398     48966      178    F        23     50
OIL                 71,202                81,398             OCT       458     47305      241    F        31     49
GAS              6,600,512             7,646,509             NOV       481     49906      278    F        29     49
WATER               16,796                20,597             DEC       515     60875      403    F        31     50
                                                          ** TOTAL   10196   1045997     3801
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EXHIBIT NO. D-21 EVID
CAUSE NO. H85-0012(L)
WITNESS Wiley Fairchild
PAGES 5

JAN 30 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Diane Scott REPORTER

DEFENSE EXHIBIT 24

August 20, 1984

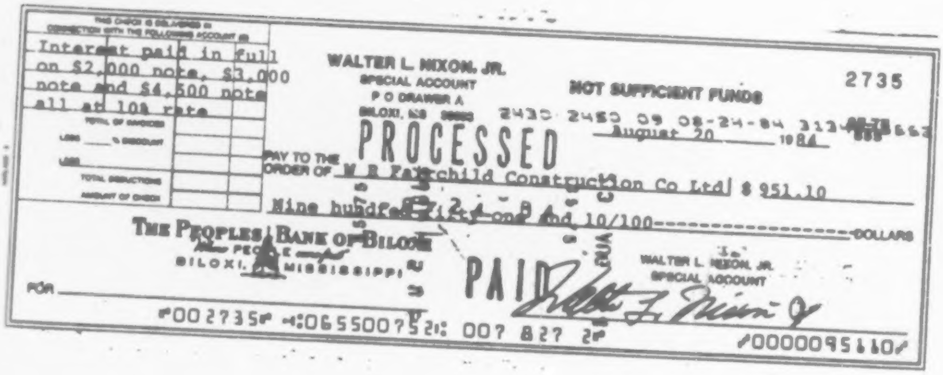
DEFENDANT'S EXHIBIT 29

Mr. Billy Riley
W. R. Fairchild Construction Company, Ltd.
P. O. Box 1357
Hattiesburg, MS 39401

Dear Mr. Riley:

I am in receipt of your July 31, 1984 letter informing me that an error was made in computing the amount of interest. As you requested I have checked my records; I find that the correct figure is $951.10 and enclose a check in that amount with a copy of my computation. If my computations are in error please let me know.

Yours very truly,



THIS CHECK IS DELIVERED IN CONNECTION WITH THE FOLLOWING ACCOUNT (S)

Interest paid in full on $2,000 note, $3,000 note and $4,500 note all at 10% rate

TOTAL OF INVOICES
LESS ___ % DISCOUNT
LESS
TOTAL DEDUCTIONS
AMOUNT OF CHECK

WALTER L. NIXON, JR.
SPECIAL ACCOUNT
P O DRAWER A
BILOXI, MS

NOT SUFFICIENT FUNDS

2735

2430 2450 09 08-24-84 313

PROCESSED

August 20 1984

PAY TO THE ORDER OF W R Fairchild Construction Co Ltd $ 951.10

Nine hundred fifty one and 10/100 ---------------------------- DOLLARS

THE PEOPLES BANK OF BILOXI
BILOXI, MISSISSIPPI

PAID

WALTER L. NIXON, JR.
SPECIAL ACCOUNT

Walter L. Nixon Jr

FOR

⑈002735⑈ ⑆065500752⑆ 007 827 2⑈ ⑈0000095110⑈

EXHIBIT NO. D-24 EVID
CAUSE NO. H85-00012 (L)
WITNESS Wiley Fairchild
PAGES 10

JAN 30 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Diane Scott REPORTER

DEFENSE EXHIBIT 25

W. R. FAIRCHILD CONSTRUCTION COMPANY LTD. - OIL DIVISIO

FAIRCHILD - WINDHAM EXPLORATION COMPANY

P.O. Box 1857 Hattiesburg, MS 39401 601 544-11

WILEY FAIRCHILD
PARTNER AND
GENERAL MANAGER
ROONEY FAIRCHILD
PARTNER
JOHNNIE R. FAIRCHILD
LAND MANAGER
LYNN S. JONES
ADMINISTRATIVE
ASSISTANT
MICHAEL B. MOORE
ASSISTANT MANAGER

July 16, 1984

TO WHOM IT MAY CONCERN:

The following figures are based on original costs of the mineral interest in the following three wells in which Judge Walter L. Nixon bought an interest:

Wilkie Gas Unit, Mobile County, Alabama

Bought 3 overriding royalty acres or 1.8% or 1/55th of what WRFCC owns. Profit margin of 23.43 times cost of acreage or 2,343% profit.

L. D. Ross Well, Covington County, Mississippi

Bought 5 overriding royalty acres or 1.4% or 1/71st of what F-W owns. Profit margin of 13.29 times cost of acreage or 1,329% profit.

Rogers 28-11 Well, Marion County, Mississippi

Bought 3 overriding royalty acres or 4.46% or 1/22nd of what WRFCC owns. Profit margin of 83.13 times cost of acreage or 8,313% profit.

Note that Wiley Fairchild is a minority interest owner in WRFCC and F-W.

Respectfully,

Lynn S. Jones
Administrative Assistant
Oil Division

LSJ

cc: Billy J. Riley
Comptroller

DEFENDANT'S
EXHIBIT
2

EXHIBIT NO. D-25 EVID
CAUSE NO. S85-00012(L)
WITNESS Wiley Fairchild
PAGES 1

JAN 30 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Alan Scott REPORTER

DEFENSE EXHIBIT 27

CRIMINAL DOCKET · U. S. District Court

FELONY ☒ JUDGE MAGISTRATE Assigned X

District 538 Office 4 Docket/Sentence 3803

U.S. vs. SHOWS, Billy Ray M.D.
(LAST FIRST MIDDLE)

JUVENILE ☐

Case Filed Mo. Day 11 17 No. of Defts 1

E76-13 1
Yr. Docket No. Def.

U.S. MAG CASE NO ▶

U.S. TITLE/SECTION: 21 USC 841(a)(1)

OFFENSES CHARGED: Distribution of Controlled Substances

ORIGINAL COUNTS: 7

SUPERSEDING COUNTS

DEFENDANT'S EXHIBIT 27

BAIL · RELEASE

☐ Denied AMT Set $10,000

☐ Fugitive ☒ Pers. Recog. ☐ PSA

Date

☐ Bail Not Made ☐ Status Changed (See Docket)

☐ 10% Deposit ☐ Surety Bond ☐ Collateral ☐ 3rd Prty Cust ☐ Other

II. KEY DATES & INTERVALS

ARREST or U.S. Custody Began: 11-17-76

Summons Served

First Appearance: 11-19-77

INDICTMENT ☒ Information ☐: 11-11-76

High Risk Date

Indict. Waived ☐

Superseding ☐ Indict/Info ☐

In Charging District

ARRAIGNMENT: 11-19-77

1st Plea: 11-19-77 ☒ NG ☐ G ☐ NOL

Final Plea ☐ NG ☐ G ☐ NOL

G. Plea W/Drawn

Trial Set For

TRIAL: Voir Dire ☒

Trial Began: 2-14-77

Trial Ended: 2-19-77

Disposition of Charges: 2-19-77

☒ Convicted ☐ Acquitted ☐ Dismissed ☐ On Government's Motion

SENTENCE: 3-18-77

☒ On All Charges ☐ On Lesser * Offense(s) ☐ WOP ☐ WP

MAGISTRATE

Search Warrant Issued / Return

Summons Issued / Served

Arrest Warrant Issued

COMPLAINT ▶

OFFENSE (In Complaint)

DATE INITIAL/NO.

INITIAL APPEARANCE DATE ▶

PRELIMINARY EXAMINATION OR ☐ REMOVAL HEARING: Date Scheduled ▶ Date Held ▶

☐ WAIVED ☐ NOT WAIVED ☐ INTERVENING INDICTMENT

Tape Number

INITIAL/NO. OUTCOME: ☐ DISMISSED ☐ HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT ☐ HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW

U.S. Attorney or Asst: Robert E.Hauberg

ATTORNEYS Defense ☐ CJA ☐ Ret ☒ Waived ☐ Self ☐ None / Other ☐ PD ☐ CD

James McIntyre
1248 Capital Towers
Jackson,Miss. 39205

* Show last names and suffix numbers of other defendants on same indictment/information

DATE	(DOCUMENT NO.) PROCEEDINGS	EXCLUDABLE DELAY
11-11-76	Indictment, filed.	
11-11-76	Praecipe for warrant, filed.	
11-16-76	Warrant issued, original and one copy, copy having attached cert. copy of Indictment, mailed to U.S.Marshal, Jackson,Miss.	
11-19-76	Marshal's return on warrant executed 11-17-76, filed.	
11-22-76	Arraignment before John R.Countiss, III in Jackson on 11-19-76 Defendant entered a plea of Not Guilty, defendant waived reading of indictment, filed.	
11-29-76	Bond in the amount of $10,000 Billy R.Shows 104- Pinewood Drive Newton, Miss. 39345, filed.	
12-1-76	Motion to Dismiss Indictment for Misjoinder of offenses, noticed for hearing on the 13th day of December,1976 at 9:00 a.m. Gulfport Miss.	

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                    MISSISSIPPI OIL AND GAS MONTHLY PRODUCTION LEDGER THROUGH DECEMBER
                                                     MONTH    OIL      GAS      WATER  STATUS DAYS PROD GRAV
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FIELD      GREENS CREEK FIELD                         JAN      810   111558      521   F         31     51
POOL       HOSSTON-HARPER GAS POOL                    FEB     1173   147443      572   F         29     51
OPERATOR   FLORIDA EXPLORATION CO                     MAR     1130   149137      585   F         31     51
WELL NAME  BARNES 29-1                                APR      498    98902      478   F         30     51
WELL NO    1-L                                        MAY      820    93799      460   F         31     52
COUNTY     MARION                                     JUN      856   101744      520   F         30     50
                                                      JUL      794    98151      491   F         31     51
CUMULATIVES TO 01/01/84          YTD CUMULATIVES      AUG      721    98662      500   F         31     51
                                                      SEP      588    89142      487   F         30     51
OIL             23,775                   33,321       OCT      705    89085      440   F         31     52
GAS          2,803,325                4,058,665       NOV      638    84115      414   F         30     52
WATER           12,344                   18,238       DEC      703    98802      485   F         31     52
                                                   ** TOTAL   9546  1255340     5894
-----------------------------------------------------------------------------------------------------------
FIELD      GREENS CREEK FIELD                         JAN      903   116378      473   F         31     51
POOL       HOSSTON-HARPER GAS POOL                    FEB     1183   144120      487   F         29     51
OPERATOR   GETTY OIL CO                               MAR     1112   136838      498   F         31     51
WELL NAME  ROGERS 28-11                               APR     1001   112770      361   F         30     51
* WELL NO  1                                          MAY      886   101327      345   F         30     51
COUNTY     MARION                                     JUN      903   101675      384   F         30     51
                                                      JUL     1009   119894      407   F         31     51
CUMULATIVES TO 01/01/84          YTD CUMULATIVES      AUG     1088   131951      444   F         31     51
                                                      SEP      857    93611      343   F         30     51
OIL             63,150                   74,667       OCT      803    89259      329   F         31     51
GAS          5,649,771                6,984,427       NOV      852    92495      376   F         30     51
WATER           18,114                   22,900       DEC      823    93978      368   F         31     51
                                                   ** TOTAL  11517  1334656     4786
-----------------------------------------------------------------------------------------------------------
FIELD      GREENS CREEK FIELD                         JAN      689    87181      333   F         31     00
POOL       HOSSTON-HARPER GAS POOL                    FEB      815    89737      440   F         28     00
OPERATOR   GETTY OIL CO                               MAR      776    85554      408   F         31     00
WELL NAME  SIPP 20-9                                  APR      576    72336      318   F         30     00
WELL NO    2-L                                        MAY      490    66142      205   F         30     00
COUNTY     MARION                                     JUN      504    68407      318   F         30     00
                                                      JUL      596    78086      371   F         31     00
CUMULATIVES TO 01/01/84          YTD CUMULATIVES      AUG      601    80458      276   F         31     00
                                                      SEP      429    52290      223   F         30     00
OIL             18,698                   25,129       OCT      320    51260      240   F         31     00
GAS          1,810,024                2,661,900       NOV      313    48803      224   F         30     00
WATER            6,853                   10,541       DEC      313    50521      241   F         31     00
                                                   ** TOTAL   6431   851876     3688
-----------------------------------------------------------------------------------------------------------
FIELD      GREENS CREEK FIELD                         JAN      787   113018      321   F         31     50
POOL       HOSSTON-HARPER GAS POOL                    FEB     1043   124456      319   F         28     50
OPERATOR   HARKINS & CO                               MAR     1153   104524      281   F         30     50
WELL NAME  BARNES 8-10                                APR      881    75318      242   F         30     50
WELL NO    1-LT                                       MAY      812    89375      284   F         31     50
COUNTY     MARION                                     JUN      671    71310      240   F         30     50
                                                      JUL      848    72232      240   F         30     41
CUMULATIVES TO 01/01/84          YTD CUMULATIVES      AUG      808    93085      317   F         31     50
                                                      SEP     1082   102580      362   F         30     50
OIL             53,578                   63,621       OCT      788    89654      280   F         31     51
GAS          5,070,978                6,201,329       NOV      725    83868      281   F         28     51
WATER           13,753                   17,278       DEC      864   100841      385   F         31     49
                                                   ** TOTAL  10043  1130351     3522
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1985 Rogers 28-11

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                    MISSISSIPPI OIL AND GAS MONTHLY PRODUCTION LEDGER THROUGH SEPTEMBER
                                                    MONTH    OIL     GAS     WATER  STATUS DAYS PROD GRAV
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FIELD      GREENS CREEK FIELD                        JAN      318    46318    1559   F          31    52
POOL       HOSSTON-HARPER GAS POOL                   FEB      193    33152    1433   F          28    52
OPERATOR   HARKINS & CO                              MAR      106    17463     755   F          28    53
WELL NAME  TOLAR UNIT 18-6                           APR       13     7170     103   F          30    53
WELL NO    1                                         MAY        0      464      22   F          05    53
COUNTY     JEFFERSN DAVIS                            JUN        0        0       0   CI          0    00
                                                     JUL        0        0       0   CI          0    00
CUMULATIVES TO 01/01/85        YTD CUMULATIVES       AUG        0        0       0   CI          0    00
                                                     SEP        0        0       0   CI          0    00
OIL              77,780              78,387
GAS           8,363,007           8,466,594
WATER            27,074              31,046
                                                  ** TOTAL    638   103587    3872
----------------------------------------------------------------------------------------------------------
FIELD      GREENS CREEK FIELD                        JAN      304    57610     205   F          31    00
POOL       HOSSTON-HARPER GAS POOL                   FEB      350    50057     253   F          28    00
OPERAT:R   RIVER PRODUCTION CO., INC                 MAR      383    56019     206   F          31    00
WELL NAME  FRANK WILSON BUCKLEY 21-13                APR      383    52722     202   F          30    00
WELL NO    1                                         MAY      381    53717     315   F          31    00
COUNTY     MARION                                    JUN      330    49490     243   F          30    00
                                                     JUL      337    49580     275   F          31    00
CUMULATIVES TO 01/01/85        YTD CUMULATIVES       AUG      331    48853     272   F          31    51
                                                     SEP      300    48047     288   F          30    51
OIL              18,088              18,222
GAS           1,843,050           2,310,050
WATER             8,833              11,013
                                                  ** TOTAL   3104   469030    2400
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FIELD      GREENS CREEK FIELD                        JAN      707    88638     320   F          31    51
POOL       HOSSTON-HARPER GAS POOL                   FEB      830    77890     200   F          28    51
OPERATOR   TEXACO PRODUCING INC                      MAR      735    83070     232   F          31    51
WELL NAME  ROGERS 28-11                              APR      745    80867     242   F          30    51
WELL NO    1                                         MAY      706    81003     254   F          31    51
COUNTY     MARION                                    JUN      723    89230     275   F          30    00
                                                     JUL      734    87851     230   F          31    51
CUMULATIVES TO 01/01/85        YTD CUMULATIVES       AUG      724    80879     237   F          31    51
                                                     SEP      812    82177     100   F          30    51
OIL              74,886              81,016
GAS           6,885,268           7,780,881
WATER            22,800              25,005
                                                  ** TOTAL   6390   775813    2185
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FIELD      GREENS CREEK FIELD                        JAN      328    53781     245   F          31    00
POOL       HOSSTON-HARPER GAS POOL                   FEB      343    48034     227   F          28    00
OPERATOR   TEXACO PRODUCING INC                      MAR      423    57833     181   F          31    00
WELL NAME  SIPP 20-8                                 APR      424    52987     219   F          30    00
WELL NO    2-L                                       MAY      422    58050     271   F          31    00
COUNTY     MARION                                    JUN      385    53168     204   F          30    00
                                                     JUL      381    56047     200   F          31    00
CUMULATIVES TO 01/01/85        YTD CUMULATIVES       AUG      385    52441     295   F          31    00
                                                     SEP      288    38001     100   F          30    00
OIL              26,130              29,485
GAS           2,663,811           3,128,810
WATER            10,841              12,887
                                                  ** TOTAL   3380   464300    2200
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DATE	[illegible] PAGE TWO
12-1-76	Motion for Bill of Particulars, Noticed for hearing on the 3rd day of December,1976 at 9:00 a.m. in Jackson, Miss., filed.
12-1-76	Motion to Dismiss Indictment, Noticed for hearing on December 13,1976, at 9:00 a.m. in Gulfport,Miss. with cert. of serice filed.
12-1-76	Affidavit in support of motion to dismiss indictment with certificate of service,filed.
12-1-76	Motion to Dismiss indictment, noticed for hearing on December 13,1976, at 9:00 a.m. in Gulfport,Miss. with cert. of service,filed.
12-6-76	Notice of hearing of motions set for December 16, 1976, before Judge Russell at 9:oo a.m. in Vicksburg, Miss.,filed.
12-27-76	Notice of hearing on motion for Bill of particulars, on the 29th day of December,1976 at 9:00 a.m. in the Federal Building, Jackson,Miss.,with cert. of service,filed.
30-76	Order on motion for Bill of Particulars, filed and entered OB 1976 page 508.(Cert. copies mailed U.S. Atty).
1-4- 77	Deputy Clerk's Sheet, Hearing on Motion for Bill of Particulars, 1 hour in Jackson, before Judge Countiss on 12-29-76, Action Taken: The Government immediately tendered to the defendant copies of the 7 prescriptions involved in the indictment in case E76-13(R), Relative to the indictment, the Gov. agreed to proceed only on the dispensing portion of §841 (a)(1) Title 21 USC. The Gov. agreed to give to the defendant the time of each of the seven acts alleged in the indictment on the case before the Court today. U.S. Attorney will furnish the deft. with any brady material if any. McIntyre is to draw an order treating this motion for bill of particulars as a motion for discovery under Rule 16. filed.
1-7-77	Electric Recording Magistrate Countiss, Envelope No. 35, filed, in Jackson, Miss.

FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET U.S. vs SHOWS, Billy Ray M.D.

E76-13
Yr. | Docket No. | D

V. EXCLUDABLE DELA
(a) (b) (c)

DATE	PROCEEDINGS (continued) (Document No.)
2-9-77	Marshal's return on subpoena executed as to Wilmer O.Kiser 2-4-77, filed.
2-11-77	Marshal's return on subpoena executed as to Leon M. Williams, Manager of Williams' Drug, 2-9-77, filed.
2-11-77	Marshal's return on subpoena executed as to Oscar W. Adams, Manager of Upton Drugs, 2-9-77, filed.
2-11-77	Marshal's return on subpoena executed as to Ben A. Quintana Jr., Manager Rayner Drug, 2-8-77, filed.
2-11-77	Marshal's return on subpoena executed as to,Wallace A. Vance, Manager of Tutor's Pharmacy, 2-8-77,filed.
2-11-77	Marshal's return on subpoena executed as to Raymond Bucker, Jr., Manager of Super-D Drug Store,Brookhaven Miss., 2-9-77, filed.
2-14-77	Marshal's return on subpoena executed as to Sanford Horton, 2-10-77, filed.
2-14-77	Marshal's return on subpoena executed as to George Stacey Manager of Thirfty Drug Store 2-7-77, filed.
2-18-77	Marshal's return on subpoena executed at Dr. Arthur A.Derrick, Jr., 2-16-77, filed.
2-19-77	EXHIBITS G-L thru G-28; D-1 thru D-7, filed.
2-19-77	Jury Verdict:"We the jury, find the defendant guilty of Counts 1 thru 7", filed.
2-19-77	Exhibit I to in camera proceedings- post trial before Judge Countiss, only to be opened before a Court of competent jurisdiction, by Order of Judge John R. Countiss, III filed.
2-23-77	Deputy Clerk's Sheet: Trial 42 hrs. 05 minutes in Meridian, Miss. Judge Dan M.Russell, Jr. presiding, Denton B. Jordan Court Reporter 2-14-77 thru 2-19-77. Action Taken: 2-18-77 jury retired at 4:25 P.M. to deliverate. At 9:45 p.m. jury sequestered and returned on 2-19-77 at 8:00 to continue deliberation. Jury returned verdict at 10:05 A.M., finding defendent guilty on all seven counts. Joe O.Chambers, Foreman Jury discharged.

UNITED STATES [illegible]
UNITED STATES DISTRICT COURT [illegible]
CRIMINAL DOCKET

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY (a)	(b)	(c)	(d)
3-77	In chambers, deft's attorney requested to inspect jury room and to view all writings made by jurors, U.S.Marshal inspected jury room and brought in contents of two waste baskets and contents were examined by Judge Countiss. All papers with writing were put in sealed envelope and placed in vault. Deft's attorney made request to interview foreman of jury, which was denied by Judge Countiss, filed.				
2-23-77	Instructions objected to by defendant, in sealed envelope, filed.				
2-23-77	Marshal's return on subpoena executed as to Glenn Pace, Miss. Highway Patrol, 2-14-77 filed.				
2-23-77	Marshal's return on subpoena executed as to Marvin Walker, 2-14-77, filed.				
2-23-77	Marshal's return on subpoena executed as to James Hanna 2-14-77, filed.				
2-23-77	Marshal's return on subpoena executed as to James R. Blackburn 2-18-77, filed.				
2-23-77	Marshal's return on subpoena executed as to M.C. Valentine 2-18-77, filed.				
2-25-77	Marshal's return on Order of Judge Dan M.Russell, Jr. that the jury be kept together in the custody of the United States Marshal and that said Marshal make proper provision for their meals and lodging at the expense of the United States until such time as they shall have reached a verdict, or are otherwise discharged 2-17-77 and 2-18-77, filed and entered OB 1977 page 47.				
3-10-77	Defendant's Motion to have Defendant sentenced under Sections 842 & 843 of Title 21 United States Code, with cert. of service, filed.				
3-10-77	Defendant's Motion for a Judgment of Acquittal, with certificate of service, filed.				
3-10-77	Defendant's Motion for a New Trial, with certificate of service, filed.				
3-10-77	Notice of hearing of above motions, before Judge Dan M.Russell, Jr., on March 14, 1977, at 9:00 a.m. in the Federal Building, Jackson, Miss., with cert. of				

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET U.S. vs Billy Ray Shows, M.D.

E76-13(R)
Yr. | Docket No.

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DE (a)	(b)	(c)
	service, filed.			
3-18-77	Electric recording D.B.Jordan, Court Reporter, envelope No. 46, filed. Meridian, Miss.			
3-21-77	Deputy Clerk's Sheet: Hearing on 1. Motion for Judgment of acquittal; 2. Motion to have Defendant sentenced under Sections 842 and 843 of 21 USC. 1 hr. in Meridian, Miss. before Judge Dan M.Russell, Jr., Denton B.Jordan Court Reporter, on 3-18-77, Action Taken: Court adjudged defendant guilty; both motions overruled. filed.			
3-24-77	Sentence: Counts 1,2,3,4,5, and 6: Imposition of sentence is hereby suspended and the defendant is placed on probation for a period of two (2) years on each of said counts, the periods of probation to run concurrently for a total of two (2) years, and to commence after defendant's release from custody on the sentence imposed on Count 7. Count 7: IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a term of one (1) year under 18 U.S.C. 4205(f) to be released on parole after service of one-third of such term. IT IS FURTHER ADJUDGED that the defendant be placed on special parole for a period of two (2) years, filed and entered CJB. No. 7 page 73.			
3-24-77	Judgment and Commitment distribution; one (1) copy to U.S.Attorney, one (1) copy to CUSPO and two (2) copies to U.S.Marshal.			
3-25-77	Notice of Appeal by Defendant from judgment of conviction and sentence entered on March 18,1977, to the United States Court of Appeals for the Fifth Circuit, with certificate of service, filed.			
3-28-77	Order overruling motion for judgment of acquittal is hereby overruled, filed and entered OB 1977, page 78,(copies mailed to U.S.Atty).			
3-28-77	Order overruling Motion to sentence defendant under Section 842, Title 21, U.S.C. is hereby overruled filed and entered OB 1977, page 79.(Cert. copies mailed U.S.Atty).			

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
	(Document No.)	(a)	(b)	(c)	(d)
-28-77	Order imposing special conditions of release, filed and entered OB 1977, page 80.(Cert. copies mailed U.S.Attorney).				
4-4-77	Deputy Clerk's Sheet: Hearing on motion for new trial in Vicksburg, Miss., Judge Russell presiding, Denton B. Jordan Court Reporter, on April 4,1977. Action Taken: Overruled; Order to be Submitted, filed.				
4-7-77	Order overruling motion for new trial, filed and entered OB 1977, page 100.(Cert. copies mailed to U.S.Attorney).				
5-12-77	Transcript of proceeding of Court Reporter begun on 2-14-77 Judge Russell's Court in Meridian, Miss. five (5) volumes, filed..				
8-23-77	Order: The Court is of the opinion, so finds and hereby orders that each of the foregoing items of evidence be delivered to an authorized agent of the Drug Enforeement Administration for safekeeping pending the final conclusion of this matter. It is further ordered that upon final conclusion of this matter, the Drug Enforeement Administration is hereby authorized to dispose of each of the items in such a manner as it sees fit and proper and in accordance with its regulations, filed and entered OB 1977, pages 244-245.(Copy mailed U.S.Attorney, copy mailed Drug Enforcement Administration).				
1-25-78	Order of Fifth Circuit Court of Appeals; Affirmed. See Local Rule 21 1/ issued as mandate January 19, 1978, filed and entered O.B.1978 page 21.				
01-30-78	Surrender Order; the defendant, Billy Ray Shows, M.D. is hereby ordered to surrender himself unto this Court at the United States Marshal's Office, Room 402, United States Courthouse and Post Office Building. Jackson, Mississippi at 9:00 a.m. on February 13,1978, on February 13,1978, to begin the service of the sentence of the Court, filed and entered O.B.1978, page 27.(Cert. copies mailed to U.S.Atty, 2 copies mailed to U.S.Marshal, and copy mailed United State Probation office).				
02 -78	Marshal's return on surrender order, defendant reported to U.S.Marshal on 13th day of February, 1978, reported to Eglin AFB prison camp.filed.				

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET U.S. vs SHOWS Billy Ray

E76-13(R)
Yr. | Docket No. | D

V. EXCLUDABLE DELA
(a) | (b) | (c)

DATE	PROCEEDINGS (continued) (Document No.)
2-23-78	Marshal's return on judgment and commitment executed on defendant by delivering to Eglin AFB Florida on 2-14-78, filed.
3-27-78	Defendant's motion for the reduction of sentence, with cert. of service, filed.
3-27-78	Defendant's Notice of motion for reduction of sentence on 2nd day of May, 1978, at 9:00 a.m. before Judge Russell in Gulfport, Ms. filed.
4-13-78	Order denying reduction of sentence, filed and entered Ob. 1978, page 183.(cert. copy mailed U.S.Atty copy mailed Paul Holmes).
4-17-78	Deputy Clerk's Sheet: Hearing on motion for reduction of sentence, 15 minutes in Jackson, Ms. before Judge Dan M.Russell, Jr., David Scott Court Reporter on 4-11-78 Action Taken: Motion denied, order to be submitted. filed.
7-12-78	Court Reporter's notes filed in Jackson Division in Office of David Scott 4-11-78, filed.

AO 256A

Interval (per Section II) | Start Date End Date | Ltr. Code | Tc D

EXHIBIT NO. D-27 Evid
CAUSE NO. H85-00012(L)
WITNESS Stip.
PAGES 7

JAN 30 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Alane Scott REPORTER

DEFENSE EXHIBIT 28

RHW:JWL:ab
186-41-169

Washington, D.C. 20530

NOV 20 1984

DEFENDANT'S EXHIBIT 28

Harry Hess, Esq.
Hess, Atchison & Horne
301 St. Joseph Street
Post Office Box 1706
Mobile, Alabama 36633

Dear Mr. Hess:

As you know, your client, Wiley Fairchild, made a proffer to the United States in connection with plea negotiations on November 1, 1984. We have evaluated that proffer and we have concluded that Mr. Fairchild is making a good faith effort to cooperate with the Government. If a plea agreement is reached between Mr. Fairchild and the United States consistent with the terms set in New Orleans and memorialized in a separate document (attached hereto), we would expect continuing cooperation from Mr. Fairchild, including complete and truthful testimony before the Grand Jury and at any and all trials that may follow from this investigation. In the event that we conclude (and it would be solely our determination) that such cooperation has been and is forthcoming, we would recommend to the sentencing judge that a prison sentence is not warranted in this case. If we conclude that the cooperation from Mr. Fairchild is not complete in any manner, we would be free, of course, to modify our recommendations. I know you understand as well that the sentencing Judge would not be obliged to follow our recommendations.

Sincerely,

Reid H. Weingarten
Reid H. Weingarten
Trial Attorney
Public Integrity Section
Criminal Division

Enclosure

A TRUE COPY, I HEREBY CERTIFY.
Carrie L. [illegible], CLERK
By:
Deputy Clerk

DEFENSE EXHIBIT 29

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
Hattiesburg Division

UNITED STATES OF AMERICA v. WILEY FAIRCHILD, Defendant	Crim. No. 84-0009

PLEA AGREEMENT

1. The defendant, WILEY FAIRCHILD, will plead guilty to Count I of the indictment (gratuity).

2. The United States will move to dismiss Count II of the indictment (perjury).

3. The United States will make known to the sentencing court any and all cooperation that Wiley Fairchild provides.

4. The United States retains the right to allocute at sentencing.

5. Wiley Fairchild will not be prosecuted by the United States for any offense the facts of which are now known to the United States.

Reid Weingarten
REID WEINGARTEN
Attorney for the United States

BARRY HESS
Attorney for the Defendant

JAN NIELSEN LITTLE
Attorney for the United States

Wallace Gunn
WALLACE GUNN
Attorney for the Defendant

Wiley Fairchild
WILEY FAIRCHILD

Dated this 26th day
of November, 1984

A TRUE COPY, I HEREBY CERTIFY
Clarence A. [illegible], CLERK
By:

DEFENDANT'S EXHIBIT

DEFENSE EXHIBIT 30

STYLE OF CASE: DIVISION: SOUTHERN

DEFENDANT'S EXHIBIT 30

CIVIL ACTION NO. S79-0211(R)
James L. Jackson
v.
Johns-Manville Sales Corp.,
Raybestos-Manhattan, Inc., and
H. K. Porter Company, Inc.

APPEARANCES:

FOR PLAINTIFF(S):

Danny E. Cupit
P. O. Box 22666
Jackson, MS 39205

Ransom P. Jones III
P. O. Box 1607
Pascagoula, MS 39567

Ron Motley
P. O. Box 365
Barnwell, S. C. 29812

F. Scott Baldwin
P. O. Drawer 1249
Marshall, Texas 75670

Richard F. Pate
P. O. Drawer 3066
Mobile, Alabama 36601

FOR DEFENDANT(S):

Roy C. Williams
Michael McElhaney
P. O. Box 787
Pascagoula, Ms. 39567
(Deft Johns-Manville)

Lively Wilson
3400 First National Towers
Louisville, Ky. 40202
(Deft Johns-Manville)

Robert G. Andre
Johns-Manville Sales Corp.
Ken Caryl Ranch
Denver, Colorado 80219
(Deft Johns-Manville)

PRE-TRIAL: Hours Minutes MOTION: Hours Minutes

TRIAL: X COURT / / Hrs. Mins. JURY / X /105 Hrs. 20 Mins.

ISSUE JOINED: 1-12-81

PLACE OF HOLDING COURT: Biloxi, MS
JUDGE(S) PRESIDING: Hon. Walter L. Nixon, Jr., Hon. John M. Roper
COURT REPORTER: Robert L. Daniels, Jr.

DATE(S):	May 12, 1982	11:15 a.m. to 1:15 p.m.	2:	
		2:30 p.m. to 5:30 p.m.	3:	5:
ACTION TAKEN:				
	May 13, 1982	9:30 a.m. to 12: 15 p.m.	2:45	
		1:30 p.m. to 4:45 p.m.	3:15	6:
	May 17, 1962	10:00 a.m. to 12:00 noon	2:	
		1:30 p.m. to 6:00 p.m.	4:30	6:30
	May 18, 1982	9:15 a.m. to 12:30 p.m.	3:15	
		2:00 p.m. to 6:00 p.m.	4:	7:15
	May 19, 1982	9:15 a.m. to 12:30 p.m.	3:15	
		1:45 p.m. to 6:00 p.m.	4:15	7:30
	May 20, 1982	9:15 a.m. to 12:15 p.m.	3:	
		2:00 p.m. to 6:15 p.m.	4:15	7:15
	May 21, 1982	9:45 a.m. to 12:15 p.m.	2:30	
		2:00 p.m. to 4:30 p.m.	2:30	5:
	May 24, 1982	9:15 a.m. to 12:30 p.m.	3:15	
		1:45 p.m. to 6:00 p.m.	4:15	7:30
DEPUTY CLERK	May 25, 1982	9:45 a.m. to 12:00 noon	2:15	
		1:30 p.m. to 6:15 p.m.	4:45	7:

(Continued on Page 2)

STYLE OF CASE:

DIVISION:

APPEARANCES:
FOR PLAINTIFF(S):

Michael Rowland
707 Gay Street, SW
Knoxville, Tenn. 37902

FOR DEFENDANT(S):

Richard L. Forman
W. G. Watkins
P. O. Box 22567
Jackson, MS 39205
(Deft Owens-Illinois)

W. Swan Yerger
David Dogan
1030 Capital Towers
Jackson, MS 39201 (Deft Raybestos-Manhattan

Walter W. Eppes
John Howell
P. O. Box 3311
Meridian, MS 39301
(Deft H. K. Porter)

HEARING ON /   /

PRE-TRIAL: Hours Minutes MOTION: Hours Minutes

TRIAL: COURT /   / Hrs. Mins. JURY /   / Hrs. Mins.

ISSUE JOINED:

PLACE OF HOLDING COURT:
JUDGE(S) PRESIDING:
COURT REPORTER:

DATE(S):	May 26, 1982	9:15 a.m. to 12:15 p.m.	3:	
ACTION TAKEN:		2:00 p.m. to 7:00 p.m.	5:	8:
	May 27, 1982	8:30 a.m. to 12:00 noon	3:30	
		1:00 p.m. to 6:30 p.m.	5:30	9:
	May 28, 1982	9:15 a.m. to 12:15 p.m.	3:	
		1:45 p.m. to 5:30 p.m.	4:15	7:15
	May 29, 1982	10:30 a.m. to 12:15 p.m.	1:45	
		1:45 p.m. to 5:00 p.m.	3:15	5:
	May 31, 1982	10:30 a.m. to 1:00 p.m.	2:30	
		2:30 p.m. to 5:00 p.m.	2:30	5:
	June 1, 1982	11:00 a.m. to 12:30 p.m.	1:30	
		2:30 p.m. to 5:00 p.m.	2:30	4:
	June 2, 1982	8:30 a.m. to 1:30 p.m.	5:	
		2:30 p.m. to 6:00 p.m.	3:30	8:30
	June 3, 1982	2:30 p.m. to 2:45 p.m.		:15

Jury deliberated from 5:15 p.m. to 7:45 p.m. on June 2, 1982 and from 8:30 a.m. to 2:30 p.m. on June 3, 1982.

SEE ATTACHED JURY VERDICT AND SPECIAL INTERROGATORIES TO JURY.

Jeanne Simpson
Deputy Clerk

STYLE OF CASE: DIVISION: Southern
Civil Action No S79-0211(R)
James L Jackson
vs
Johns Manville Sales Corp, etal

APPEARANCES:

FOR PLAINTIFF(S):	FOR DEFENDANT(S):
Danny Cupit	Roy Williams
Rancoln Jones	Mike McElhaney
Ron Motley	Rick Jasnan
	W. G. Watkins
	Walter Eager
	John Howell
	Susan Yerger
	David Dogan

HEARING ON ☐ Pltf's motion in limine admitting into evidence Pltf's Exhibits 872 and 894 which are summary exhibits

PRE-TRIAL: Hours Minutes X MOTION: 1 Hours 30 Minutes

TRIAL: COURT ☐ Hrs. Mins. JURY ☐ . Hrs. Mins.

ISSUE JOINED:

PLACE OF HOLDING COURT: Biloxi, Ms
JUDGE(S) PRESIDING: Hon Walter L Nixon Jr, Hon John M Roper
COURT REPORTER:
DATE(S): May 14, 1982 - 9:00AM - 10:30 A.M
ACTION TAKEN:

Court ruled that if they are admissible and have been made available to counsel, Summaries may be used under Rule 1006 - Copies must be in the Courtroom.

DEPUTY CLERK
J Simpson

STYLE OF CASE:
Civil Action S79-0211(R)
James L Jackson
vs.
Johns-Manville Sales Corp., etal

DIVISION: Southern

APPEARANCES:
FOR PLAINTIFF(S):
Danny Cupit
Rowlan Jones
Ron Motley

FOR DEFENDANT(S):
Roy Williams
Mike McElhaney
Rick Forman
W. B. Watkins
Walter Epps
John Howell
Susan Yerger
David Dogan

HEARING ON ☒

Pltfs Motion in Limine to Suppress any Medical reports of Treatment of pltf by V.A. in 1947.

PRE-TRIAL: Hours Minutes MOTION: Hours Minutes

TRIAL: COURT ☐ Hrs. Mins. JURY ☐ , Hrs. Mins.

ISSUE JOINED:

PLACE OF HOLDING COURT: Biloxi, Ms
JUDGE(S) PRESIDING: Hon Walter L Nixon, Jr, Hon John M Roper
COURT REPORTER:
DATE(S): May 14, 1982

ACTION TAKEN:

Reserved Ruling. Court will rule at appropriate time

DEPUTY CLERK
J Simpson

STYLE OF CASE: Civil Action S79-0211 (R)
James L Jackson
vs
Johns-Manville Sales Corp, et al

DIVISION: Southern

APPEARANCES:

FOR PLAINTIFF(S):
Danny Cupit
Ransom Jones
Ron Motley

FOR DEFENDANT(S):
Ray Williams
Michael McElhaney
Rick Forman
W. G. Watkins
Walter Epps
John Howell
Swan Yerger
David Dogan

HEARING ON ☒ (1) Pltf's Motion to Limit Testimony of L.T. Chapin.
(2) Defts' Motion to Prohibit Live Testimony of L. T. Chapin

PRE-TRIAL: Hours Minutes MOTION: Hours Minutes

TRIAL: COURT ☐ Hrs. Mins. JURY ☐ Hrs. Mins.

ISSUE JOINED:

PLACE OF HOLDING COURT: Biloxi, Ms
JUDGE(S) PRESIDING: Hon Walter L Nixon Jr, Hon John M. Roper
COURT REPORTER:
DATE(S): May 14, 1982

ACTION TAKEN: (1) Granted; Court will limit each side + will see how testimony proceeds before setting time. Will arrange so he can testify last one day + first next day

(2) Denied. Court will permit live testimony - Pltfs may not mention pltf's illness but defts may. Scope of cross exam limited to direct exam. Court will permit defts to use videotape of Chapin + whomever else they wish.

DEPUTY CLERK
J Simpson

STYLE OF CASE: Civil Action No. S79-0211(R)
James L. Jackson
vs
Johns-Manville Sales Corp.

DIVISION: Southern

APPEARANCES:

FOR PLAINTIFF(S):
Danny Cupit
Ransom Jones
Ron Mattey

FOR DEFENDANT(S):
Roy Williams
Mike McElhaney
Rick Farmer
W.G. Watkins
Walter Epps
John Howell
Susan Yerger
David Dogan

HEARING ON ☐ (1) Deft's Motion to prohibit use of documents not yet admitted into evidence during opening statements

PRE-TRIAL: Hours Minutes MOTION: Hours Minutes

TRIAL: COURT ☐ Hrs. Mins. JURY ☐ Hrs. Mins.

ISSUE JOINED:

PLACE OF HOLDING COURT: Biloxi, Ms.
JUDGE(S) PRESIDING:
COURT REPORTER: Hon Walter L. Nixon Jr. Hon John M Roper
DATE(S): May 14, 1982

ACTION TAKEN:

Motion Denied. Court will permit and will instruct jury they are not to be considered evidence.

DEPUTY CLERK
J Simpson

MOTIONS TO BE HEARD FRIDAY, MAY 14, 1982 - CIVIL ACTION NO. S79-0211(R)

③ 1. Pltf's Motion in Limine to suppress any medical reports of treatment of pltf by V.A. in 1947. will rule at appropriate time.

④ 2. Pltf's Motion to Supplement Exhibit List.

① 3. Pltf's Motion in Limine admitting into evidence pltf's Exhibits 892 and 894. Ps are ~~to~~ have exhibits available to Ds

⑤ 4. Motion in Limine to Limit the Testimony of L. T. Chapin Ct will permit him to testify. But only

④ 5. Motion of deft Johns-Manville Sales Corp. to prohibit live testimony of L. T. Chapin on any cross exam as to limitation of direct.

6. Motion in Limine of Johns-Manville Sales Corp. to prohibit pltf from using parts or portions of deposition of William R. Brach taken in John M. Goff et al v. Johns-Manville, et al and John P. Flynn, et al v. Johns-Manville.

8. Motion in Limine of Johns-Manville to prohibit pltf from using parts or portions of deposition of William R. Brach taken in Glenn H. Adams, et ux v. The Celotex Corp.

9. Motion in Limine of Johns-Manville to prohibit pltf from using parts or portions of deposition of Franklin Swersky

10. Motion in Limine of Johns-Manville to prohibit pltf from reading to the jury comments of counsel contained in deposition of Wilbur Ruff taken 4/9/79.

11) Ct. will notify the Mobile doctors as to enforcement of subpoena but whoever called them will subject them to direct etc.

P-1 ③. Court allows the exhibit to be admitted, but the copies of the summarized documents must be available in court in? order to refer in case of question.

P-2 ④- Chopin will describe pipe + block insulation, and will describe types of vessels i.e. barges, destroyers, etc.
Δ thinks that π is only bringing Chopin to bring a dying man and put him on the stand.
Δ thinks that the Court already provided for his testimony in the form of a video deposition.
π says that they have at all times intended to bring Chopin if he was healthy.
Ct will not prohibit the calling of a witness. The Ct will scrutinize questions re: his illness, and why he is ill.
Δ thinks that after an hour Chopin becomes discolored and starts to look sick.

Court will permit Chapman to testify. Π may not bring out the question of his illness. It may be at issue in the form of impeachment. The Ct will leave to cross bridge when it comes to it as far as scheduling Chapman's testimony. Cross will be limited however in scope to subject area dealt with on direct.

Re: Doctors Knight & Ashburn. Ct will enforce subpoena, but Ct will try to accommodate the Drs as much as possible.

P-3 ①. V.A. Reports. : 1947 Reports

Ct will rule on admissibility of document at appropriate time.

P-4 ②. Exhibit list ?.

May be resolved upon examination. Discuss w/ any problems that remain there.

DEFENSE EXHIBIT 32 A

BUD HOLMES:

". . . SCENE OF THE CRIME. HORRIBLE CRIME. GODDAMN, TWO DRUNKS CALL UP SOMEBODY AND SAY THAT . . . THAT ALL THEY GONNA DO IS, UH, SEE TO IT THAT THE AGREEMENT THAT HAD BEEN WORKED OUT A YEAR EARLIER TAKES PLACE, AND, GODDAMN, THE NEXT THING YOU KNOW, EVERY SON-OF-A-BITCH IS INDICTED."

Excerpt of telephone call from W.P. McMullan, Jr., to Paul H. "Bud" Holmes on July 24, 1985

DEFENDANT'S
EXHIBIT
32-A

EXHIBIT NO. D-32A E010

CAUSE NO. [illegible](L)

WITNESS —

PAGES 1

FEB 07 1986

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF MISSISSIPPI

[illegible] Scott REPORTER

DEFENSE EXHIBIT 33

P. O. BOX 1857
HATTIESBURG, MISSISSIPPI 39401

JANUARY 19, 1982

RE: ROGERS 28-11 WELL
MARION COUNTY, MISSISSIPPI

ROYALTY DIVISION ORDER

The undersigned as owner(s) warrants that they are the legal owners, in the proportions set out below of all the oil and gas (the term "gas" including, without limitation, gas well gas, casinghead gas and condensate, natural gas liquids, and all other constituent elements of the raw gas stream), produced or all of the proceeds thereof, from the GETTY OIL COMPANY ROGERS 28-11 #1 WELL, Unit or Lease described as:

651.096 acres, more or less, in Section 28, T5N, R19W, Marion County, Mississippi and, commencing on date of first production and until further notice from the undersigned, you are authorized to receive and give credit for all oil and gas received from said property, or the proceeds therefrom as may be applicable, as per division of interest as follows:

OWNER NAME	DIVISION OF INTEREST.
W. R. Fairchild Construction Company, Ltd.	.01288175
Walter L. Nixon, Jr.	.00057595

WITNESS the execution hereof effective as of the date hereinabove specified.

WITNESSES:

Walter L. Nixon Jr.
WALTER L. NIXON, JR.

427-64-7915
SOCIAL SECURITY NUMBER

1204 Cole Rd.
ADDRESS

Ocean Springs, Miss.
CITY AND STATE

DEFENDANT'S EXHIBIT
33

FAIRCHILD-WINDHAM EXPLORATION COMPANY
P. O. BOX 1857
HATTIESBURG, MISSISSIPPI 39401

RE: L. D. ROSS 2-11 WELL
COVINGTON COUNTY, MISSISSIPPI

JANUARY 19, 1982

ROYALTY DIVISION ORDER

The undersigned parties hereby certify and guarantee that they are the legal owners of, and hereby warrant title to the interests shown below opposite their name in the proceeds derived from the sale of gas and in the condensate and distillate produced from the land, lease, or unit located in Covington County, Mississippi, described as follows:

664.00 Acres of land, being all in Section 2, T7N, R17W, Covington County, Mississippi and being that certain gas unit created by Declaration of Pooling dated October 21, 1979, recorded in Book 121, Page 632, Covington County, Mississippi and Amendment to said Declaration of Pooling, dated May 12, 1980, recorded in Book 122, Page 699, Covington County, Mississippi.

Effective as of date of first production and thereafter until you are furnished with an instrument in writing evidencing a change in ownership different from that set out hereunder, you (or your designated agent) are authorized to receive the production revenues from said property and to give owners credit for the proceeds derived from the sale of gas and for all condensate and distillate as follows:

OWNER NAME	DIVISION OF INTEREST
Fairchild-Windham Exploration Company	.069022961
Walter D. Nixon, Jr.	.000564759

WITNESS the execution hereof effective as of the date hereinabove specified.

WITNESSES:

____

____

Walter L Nixon Jr.
WALTER D. NIXON, JR.

427-64-7915
SOCIAL SECURITY NUMBER

1204 Dola Rd.
ADDRESS

Ocean Springs, Miss.
CITY AND STATE

W. R. FAIRC .D CONSTRUCTION COMPANY, LTD.
P. O. BOX 1857
HATTIESBURG, MISSISSIPPI 39401

RE: C. E. WILKIE GAS UNIT 28
MOBILE COUNTY, ALABAMA

ROYALTY DIVISION ORDER

The undersigned parties hereby certify and guarantee that they are the legal owners of and hereby warrant title to the interests shown below opposite their names in the proceeds derived from the sale of all oil and gas (the term "gas" including, without limitation, gas well gas, casinghead gas and condensate, natural gas liquids, and all other constituent elements of the raw gas stream) produced from the C. E. Wilkie Gas Unit #28, located in Hatter's Pond Field, Mobile County, Alabama, said unit being more particularly described as follows, to-wit:

All of Section 28, Township 2 South, Range 1 West,
Mobile County, Alabama; Containing 652½ Acres.

661.91 A

The undersigned parties further acknowledge, state and declare that the below enumerated interests are produced under the terms of that certain Oil, Gas and Mineral Lease dated November 5, 1974, between Travis Hicks, Lessor, and W. R. Fairchild Construction Company, Ltd., Lessee; said lease recorded in Real Property Book 1400, Page 449, of the official records of the Mobile County Probate Court, Mobile County, Alabama; said Oil, Gas and Mineral Lease being ratified by Gerather V. Hicks in that certain Ratification dated February 13, 1976 and recorded in Real Property Book 1553, Page 310, of the official records of the Mobile County Probate Court, Mobile County, Alabama; and the undersigned hereby lease and let the following described lands to the said Lessee according to the terms of said Oil, Gas and Mineral Lease, covering the following described lands in Mobile County, Alabama, to-wit:

TOWNSHIP 2 SOUTH, RANGE 1 WEST

Comm. at SE Cor of SW¼ of NW¼ Sec. 27-T2S-R1W, Then W 635 Ft to Beg, then cont W 891 Ft to W/L of Sec. 27 run N alg said line 850 Ft then E 800 Ft, then S 100 Ft then E 200 Ft to W/L Old Sage Road, S alg said Rd 490.25 Ft M/L, then W 309 Ft then S 259.75 Ft to beg except the 100 Ft by 800 Ft strip of ppty Beg on W/L of Sec. 27-T2S-R1W run 100 Ft Nly to pt, then Ely 800 Ft to NW Cor of W M Heights Sub., containing 17½ acres, more or less, AND ALSO,
NW¼ of SE¼ Sec. 28, T2S, R1W, undiv ½ int S½ of E½ of N½ of SE¼, Sec. 28-T2S-R1W, Exc pt into Suburban Ct MBK 23 P6, R/W E JoGinnell Dr, containing 20 acres, more or less,
AND ALSO,
Lot 10 Stevens Acres MBK 5 P 667 excluding Part to County, containing 1 acre, more or less,
AND ALSO,
Lot 13, Stevens Acres MBK 5 P 667-670, containing 1½ acres, more or less.

OWNER NAME	ROYALTY INTEREST
Gerather V. Hicks, both individually and as Administratrix of the Estate of Travis Hicks a/k/a Ambrose Travis Hicks, Deceased, c/o Richard L. Thiry Attorney at Law 3632-E Dauphin Street Mobile, Alabama 36608	.0012980 RI
Belco Petroleum Corporation 1 Dag Hammarskjold Plaza New York, New York 10017 Attn: Robert E. Belfar	.0005192 RI
P-W Investment Company, Ltd. 2138 Bank of the Southwest Building Houston, Texas 77002 Attn: G. W. Pullin	.0000779 RI

OWNER NAME	ROYALTY INTEREST
John Allen Laster No. 6 River Hollow Houston, Texas 77027	.0000883 RI
David E. Reed and Sujane C. Reed (JT/S) P. O. Box 771 Milton, Florida 32570	.0000883 RI
Ann Lents c/o Vinson & Elkins First City National Bank Building Houston, Texas 77002	.0000363 RI
Murphy R. Lents c/o Joe A. McDermott, Inc. P. O. Box 1589 Houston, Texas 77001	.0000363 RI
John H. Lents 6230 Longmont Houston, Texas 77002	.0000363 RI
Aslin Partners c/o Vinson & Elkins First City National Bank Building Houston, Texas 77002	.0000675 RI
Willard Hensley Hinson 333 North Belt East Suite 1030 Houston, Texas 77060	.0000221 RI
Cecelia Hinson Perry 1910 Kings Arms Way Katy, Texas 77450	.0000221 RI
Kenneth D. Ford, Jr. 5116 Tangle Lane Houston, Texas. 77056	.0000110 RI
Jane Ford Slack #1 Runyon Court Lufkin, Texas 75901	.0000110 RI
Sally Ford Kelley 3709 Hanover Dallas, Texas 75225	.0000110 RI
Blake Ford Santa Maria 6476 Buffalo Speedway Houston, Texas 77005	.0000110 RI
Albert B. Crutcher, Jr. 200 Saratoga Building New Orleans, Louisiana 70112	.0003115 RI
J. D. Tufts, II 200 Saratoga Building New Orleans, Louisiana 70112	.0003115 RI
C. T. Carden 1460 Oil & Gas Building New Orleans, Louisiana 70112	.0002077 RI
Darrell M. Fink 1460 Oil & Gas Building New Orleans, Louisiana 70112	.0001038 RI
D. A. Mardis 305 Carondelet Building New Orleans, Louisiana 70112	.0000519 RI

OWNER NAME	ROYALTY INTEREST
Merchants National Bank of Mobile as Executor under Will of D. E. Vassar P. O. Drawer 3527 Mobile, Alabama 36622	.0000513 RI
Thomas A. Hamilton P. O. Box 1743 Mobile, Alabama 36633	.0000358 RI
Harry R. Riddick P. O. Box 1743 Mobile, Alabama 36633	.0000646 RI
The American National Bank & Trust Company of Mobile, as Trustee under Living Revocable Trust of Dorothy A. Riddick 130 St. Joseph Street Mobile, Alabama 36602 Attn: Mr. James Bush	.0000323 RI
James W. Tarlton, III P. O. Box 1743 Mobile, Alabama 36633	.0000794 RI
Joseph M. Allen, Jr. P. O. Box 1743 Mobile, Alabama 36633	.0000784 RI
Albert W. Ray P. O. Box 481 Point Clear, Alabama 36564	.0000481 RI
Alice Craig Murray Ray P. O. Box 481 Point Clear, Alabama 36564	.0000481 RI
John W. Donald, Jr. P. O. Box 1743 Mobile, Alabama 36633	.0000514 RI
Jonelle J. Wood P. O. Box 1743 Mobile, Alabama 36633	.0000363 RI
Joe E. Rosenberg P. O. Box 123 Mobile, Alabama 36601	.0000179 RI
Charles R. Butler P. O. Box 1743 Mobile, Alabama 36633	.0000179 RI
Charles R. Butler, Jr. P. O. Box 938 Mobile, Alabama 36601	.0000089 RI
Walter L. Bloom, Jr. 1204 Iola Road Ocean Springs, Mississippi 39564	.0005841 RI
	.00447750

This Division Order shall be binding on each of the undersigned owners, his successors, legal representatives, and assigns, severally and not jointly, until written notice has been received by you at the above address or sent by you to the owners at the above addresses, and you are authorized to receive, purchase and account for oil, and account for gas, as to the interest of each owner upon the following terms and conditions:

1. Each owner, according to the division of interest herein set forth, shall be paid by you therefor, subject to the other terms hereof, as follows:

   (a) On oil, your posted price per barrel (42 U.S. standard gallons) for like grade, gravity and quality of oil produced in the same field or area to which applicable and in effect on the day of delivery.

(b) On gas, the market value at the well, under the terms of the leases or other instruments providing therefor.

2. Delivery to any pipe line company or your nominee or other designated receiving agency authorized by you, hereinafter called "receiving agency" for your account shall be valid delivery, and title to the production delivered hereunder shall thereupon become your property. You or the receiving agency may lay and connect lines to tanks or other equipment and disconnect and remove same, and determine the quantity and the grade, gravity and quality as herein provided.

3. The quantity and the grade, gravity and quality hereunder shall be determined, with corrections and deductions, in accordance with customary rules and regulations or practices of you or the receiving agency, or by other methods including meters and/or other facilities, and including commingling and allocation practices which are reliable and appropriate and in accordance with any rules and regulations of the governmental agency or commission having or asserting jurisdiction or control of the production and handling thereof in such area and you may rely thereon in making payments hereunder.

4. Each owner warrants and guarantees the title to the interest credited to such owner according to the division of interest hereinabove indicated, as well as all interest hereafter acquired, and agrees to furnish evidence satisfactory to you of title to such interest in the land and the production therefrom. In case of any dispute or adverse claim thereto, or any part or value thereof, each owner agrees to defend, protect and indemnify you and the receiving agency therefrom and from any fees, costs and expense in connection therewith, and you are authorized to retain all sums accruing hereunder, without interest, until you receive a surety company indemnity bond or other security, satisfactory to you, or until the dispute is settle or finally determined and you receive evidence thereof satisfactory to you.

5. Should all or any part of the above described property now or hereafter be included in one or more pools or units duly authorized by the interest owners, or formed or revised by the duly authorized state or Federal agency having or asserting jurisdiction thereof in the state where the property is situated, then the provisions of this division order shall attach to that portion of the total production from the pool or unit which is allocated to the property covered hereby, and such portion shall be deemed hereunder to have been actually produced from the above described property.

6. You will not be responsible for any change of ownership unless and until you receive at the above address written notice, and proof and records satisfactory thereof to you, and any transfer or other change of ownership of any interest hereunder is and shall be made subject to this division order and shall be effective at 7:00 o'clock a.m., on the first day of the calendar month following receipt of said notice and proof by you. This division order shall become valid and binding on each and every owner when signed by him regardless of whether or not any other owners signs. As used herein, the masculine gender includes the feminine and neuter genders.

ALL SIGNATURES MUST BE WITNESSED
(Each Married Person Should Be Joined By Their Spouse)

WITNESSES:

Ralph L. Diaz Jr.

427-64-7915

SOCIAL SECURITY or TAX IDENTIFICATION #

SOCIAL SECURITY or TAX IDENTIFICATION #

EXHIBIT NO. D-33 E&ID
CAUSE NO. H85-00012 (L)
WITNESS Carroll Hungerson
PAGES 6

FEB 03 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Elaine Scott REPORTER

DEFENSE EXHIBIT 34

W[illegible]IRCHILD CONSTRUCTION [illegible]MPANY, LTD. - OIL DIVISION

FAIRCHILD-WINDHAM EXPLORATION COMPANY

P. O. Box 1857
Hattiesburg, MS 39401
601 544-115

WILEY FAIRCHILD
PARTNER AND
GENERAL MANAGER
R. L. JARVIS JR
ADMINISTRATIVE
ASSISTANT
VICTORIA BURT
ASSISTANT MANAGER

December 17, 1981

Transco
Post Office Box 1396
Houston, Texas 77251

Attn: Michael A. Phillips

Re: C. E. Wilkie #1 Well
Sect. 28-T2S-R1W
Mobile County, Alabama

Mike,

I have gone through our files looking for anything that you might use to determine the reserves for this well. As you can see, I do not have a copy of the logs but I am enclosing a copy of the request for deregulation that sets out Exxon's estimates of 1020 MMCF on an annual basis from a depth of 18,051' to 18,142'.

I realize that this is rather skimpy information and would like to have included more, but any other information you might need will have to come from Exxon. Please see if they will supply you with whatever you need and if not, let me know and I will see if I can get it from them for you.

Respectfully,

R. L. Jarvis, Jr.
Administrative Asst.

[illegible] EXHIBIT
34

EXHIBIT NO. D-34 EVID
CAUSE NO. J85-00012(L)
WITNESS Allen Jackson
PAGES 1

FEB 03 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Clare Scott REPORTER

DEFENSE EXHIBIT 35

STATE OIL AND GAS BOARD

Ralph W. Adams, Chairman
Troy

David Mathews, Member
University

Gaines McCorquodale, Member
Jackson

Thomas J. Joiner, Secretary

Main Office
P. O. Drawer O
University, Alabama 35486
Phone (205) 349-2852

Thomas J. Joiner
Supervisor
Ken P. Hanby
Assistant Supervisor

TECHNICAL STAFF
Petroleum Geologists
[illegible]
[illegible]
[illegible] Payton
[illegible] Smith
Petroleum Engineer
[illegible]
Field Agent
[illegible]
LEGAL STAFF
Attorneys
[illegible]
[illegible]
[illegible]

January 24, 1980

Mr. D. J. Lewallen, Section Head
Revenue & Regulatory Accounting
Southeastern Division
Exxon Company, U.S.A.
P. O. Box 60626
New Orleans, LA 70160

Re: Charles E. Wilkie Gas Unit 20 No. 1
Mobile County, Alabama
Wildcat
Permit No. 2746

Dear Mr. Lewallen:

Your letter of January 14, 1980, requesting confidential status for the above captioned well has been received. The electric logs, cuttings, and cores shall be kept confidential for a period of six (6) months after completion.

If we can be of further service, please advise.

Sincerely,

Ken P. Hanby

Ken P. Hanby
Assistant Oil and
Gas Supervisor

KPH:bmp

DEFENDANT'S
EXHIBIT
35

AN EQUAL OPPORTUNITY EMPLOYER

MOBILE OFFICE

[illegible] CLUB MANOR DRIVE

EXHIBIT NO. D-35 EVID
CAUSE NO. S85-00012(L)
WITNESS: Allan Jackson
PAGES 1

FEB 03 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Diane Scott REPORTER

DEFENSE EXHIBIT 36

EXXON COMPANY, U.S.A.
POST OFFICE BOX 61812 · NEW ORLEANS, LOUISIANA 70161

EXPLORATION DEPARTMENT
SOUTHEASTERN DIVISION

February 3, 1981

Re: Wilkie Gas Unit #28
Hatters Pond Field
Mobile County, Alabama

W. R. Fairchild Construction
P. O. Box 1857
Hattiesburg, Mississippi 39401

Attention: Mr. Billy Riley

Gentlemen:

Attached are two copies of Operating Agreement covering the captioned unit. Please execute and return one copy to this office.

Yours very truly,

Exxon Company, U. S. A.

James D. Leal
JAMES D. LEAL

JDL:mmc
Enclosure

DEFENDANT'S EXHIBIT
36

A DIVISION OF EXXON CORPORATION

EXHIBIT NO. D-36 EVID
CAUSE NO. H8K-00012(L)
WITNESS Allan Jackson
DATE

FEB 03 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Diane Scott REPORTER

DEFENSE EXHIBIT 37

ALAN JACKSON
GEOLOGIST
803 MANDALAY DRIVE
HATTIESBURG, MISSISSIPPI 39401

PHONE (601) 264-0799

January 30, 1986

Hatter's Pond Field - Mobile County, Alabama. Exxon No. 1. Wilkie Gas Unit 28.

As of February 25, 1980, this well had been diamond cored, and the core analyses were in Mr. Fairchild's possession. At that time, the Wilkie well had encountered 160 feet of net pay, with an average porosity of 12.32%. Using an estimated water saturation of 40%, a typical pressure depletion reservoir recovery factor of 15%, assigning a productive area of 320 acres to the well, and using a gas-condensate ratio of 2686 to 1, a volumetric calculation of reserves to be produced from the Wilkie well is as follows:

7758 x 160 x .1232 x .60 x .15 x 320 = 4,404,260 B.C.

4,404,260 x 2686 - 11,829,842,360 cu. ft. Gas.

Net prices after taxes being paid to royalty owners for gas and condensate in nearby Chunchula Field (comparable wells and production) were $2.39 per MCF for gas and $13.88 per barrel for condensate. Using these prices, and assuming constant dollar value, the Wilkie well would ultimately produce the following revenue:

4,404,260 x $13.88	=	$ 61,131,129	
11,829,842.36 x $2.39	=	28,273,323	
Total Revenue		$ 89,404,452	
	÷	5,120	
		$ 17,462	per acre
	x	3	acres
Expected Ultimate Income		$ 52,386	
Discount factor to Fair Market Value	x	40%	
Feb. 25, 1980 Fair Market Value		$ 20,954	

On February 25, 1981, the Wilkie well was still waiting to be connected to the gas gathering system and processing plant, so no change in volume of reserves had occurred, and the only difference in value was the increase in prices being paid to $2.72 per MCF for gas and to $27.69 per barrel of condensate. Fair market value now is as follows:

4,404,260 x $27.69	=	$121,953,959	
11,829,842.36 x $2.72	=	32,177,171	
		$154,131,130	
	÷	5,120	
		$ 30,104	per acre
	x	3	acres
Expected ultimate income		$ 90,312	
Discount factor to Fair Market value	x	40%	
Feb. 25, 1981 Fair Market Value		$ 36,125	

DEFENDANT'S EXHIBIT 37

EXHIBIT NO. D-37 EVID
CAUSE NO. H85-00012(L)
WITNESS Allan Jackson
PAGES 1

FEB 03 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT MISSISSIPPI
[illegible] Scott REPORTER

DEFENSE EXHIBIT 38

[illegible] LAST NAME FIRST MIDDLE INITIAL Nixon, Walter L., Jr.	COURT OR ORGANIZATION U.S. District Court Southern District of Mississippi	[illegible] [illegible]
[illegible] U. S. District Judge	[illegible] EMPLOYEES ONLY DATE OF ENTRY ON DUTY N/A	
[illegible] OFFICE ADDRESS [illegible] Iola Road, Ocean Springs, MS 3956[illegible]		[illegible] OTHER THAN [illegible] GIVE PERIOD BELOW
☒ This report includes information for my spouse and dependent children Information for my spouse and dependent children is submitted on separate form	The following symbols may be used where applicable: (J) jointly owned by person reporting and spouse, (S) spouse, and (DC) dependent child See instructions, page [illegible]	DO NOT WRITE IN THIS SPACE

Note: Please read the instructions accompanying this form. Sign this form on the reverse side. Attach additional sheets if needed, identify each attachment by showing your name and the section being continued. Complete all parts. (IF NONE, SO INDICATE) Please type or print clearly

I. NON-INVESTMENT INCOME *See Page 6 of Instructions*

SOURCE (and, for Honoraria only, DATE RECEIVED)	TYPE	AMOUNT
None ☒		

II & III. INVESTMENTS AND TRUSTS: INCOME (II) and VALUE (III)

Description of Assets including Trust Assets *See Page 7 of Instructions*	II. Income *(in excess of $100)* *See Page 8 of Instructions*								III. Value *See Page 9 of Instructions*						
	Type of Income	Amount in thousands of dollars (place appropriate x)							Valuation Method (see [illegible] Code)	Value in thousands of dollars (place appropriate x)					
		up to 1	1 to 2.5	2.5 to 5	5 to 15	15 to 50	50 to 100	100+		1 to 5	5 to 15	15 to 50	50 to 100	100 to 250	250+
None ☐															
Professional Drug Company	Div.			x					C				x		
Peoples Bank of Biloxi	Div.	x							C		x				
Nixon Enterprises, Inc.									C				x		
Gutierrez & Nixon (Partnership)									D		x				
W. A. Wiltshire (Note)	Int.		x						F			x			
Franklin Life Ins. Co.	Int.	x							F			x			
First Miss Corp.	C.G.	x							Sold						
First State Bank & Trust	C.G.					x			Sold						
Jackson Savings & Loan	C.G.		x						Sold						
Metropolitan National Bank	C.G.	x							Sold						

SOURCE | DESCRIPTION

None ☒

B. Other Gifts See Page 11 of Instructions

VALUE

None ☒

V. REIMBURSEMENTS See Page 11 of Instructions

SOURCE | DESCRIPTION

None ☒

VI. LIABILITIES See Page 11 of Instructions

DESCRIPTION (include identity of Payee or Creditor)	Amount in thousands of dollars			
	10+ to 15	15+ to 50	50+ to 100	100+ to 250 250+
None ☐				
The Mississippi Bank - Promissory Notes		x		
Metropolitian National Bank - Promissory Notes	x			

VII. TRANSACTIONS See Page 11 & 12 of Instructions

DESCRIPTION	DATE	SALE	PURCHASE	EXCHANGE	Value in thousands of dollars				
					1+ to 5	5+ to 15	15+ to 50	50+ to 100	100+ to 250 250+
None ☐									
Stock - First State Bank & Trust Company of Gulfport	5/5/80	x						x	
Stock - Jackson Savings & Loan Assn.	7/15/80	x				x			
Stock - Metropolitian National Bank	9/3/80	x				x			

VIII. POSITIONS See Page 12 of Instructions

POSITION | NAME OF ORGANIZATION

None ☒

IX. AGREEMENTS See Page 12 of Instructions

DATES | PARTIES | TERMS

None ☒

NOTE: Any individual who knowingly and willfully falsifies, or who knowingly and willfully fails to file this report may be subject to civil & criminal sanctions (28 U.S.C.A. App. 1, §304 & 18 U.S.C. §1001)

SIGNATURE: I certify that all information given above is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory conditions permitting non-disclosure.

Walter L. Nixon DATE 5/8/81

MAILING THIS FORM

Judicial Officers and Employees mail original and one copy of this form to:
Judge Edward A. Tamm
Judicial Ethics Committee
United States Courthouse
3rd & Constitution Ave., N.W.
Washington, D.C. 20001

Deliver one copy to the Clerk of the Court on which you sit or serve. Judicial Employees not associated with a specific court, such as employees of the Administrative Office and the Federal Judicial Center need not file a copy with any Clerk.

DEFENSE EXHIBIT 39

NIXON 1012-001

OTHER OIL AND GAS INVESTMENTS

OF WALTER L. NIXON, JR.

Corporation	Date of Investment	Amount of Investment	Income	
Pattison Petroleum Corp. Clemens #1	5/8/81 8/12/81	$4,062.50 2,187.50 $6,250.00	1981	-0-
			1982	$2,668
			1983	$2,206
			1984	$ 982
Chevron U.S.A., Inc. Pointe Coupee Parish, LA	2/26/81	$9,814.50	1981	-0-
			1982	-0-
			1983	$1,177
			1984	$ 909
GeoSouthern Corp. Winnie #1	11/6/81 SOLD 11/10/82	$10,985.00	1981	-0-
			1982	$2,759

DEFENDANT'S EXHIBIT 29

EXHIBIT NO. D-39 EVID
CAUSE NO. H85-00012(1)
WITNESS
PAGES 1

FEB 07 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Diane Scott REPORTER

DEFENSE EXHIBIT 40

Charles P. Logan
Certified Public Accountant

309 HATTEN BUILDING
GULFPORT, MISSISSIPPI 39501
601-863-2551

June 25, 1982

Hon. Walter L. Nixon, Jr.
U. S. District Judge
P. O. Drawer A
Biloxi, MS 39530

RE: Annual Financial Disclosure Report

Dear Judge Nixon:

I am enclosing herewith four copies of your Amended FINANCIAL DISCLOSURE REPORT for the calendar year 1981.

The reports should be signed and dated by you on Page 4. Two copies of the report should be mailed to the Judicial Ethics Committee. This address appears on Page 4 of the report. One copy should be delivered to the Clerk of Court for the Southern District of Mississippi.

Yours truly,

Charles P. Logan
CHARLES P. LOGAN
Certified Public Accountant

Enclosure

DEFENDANT'S
EXHIBIT
42

... EMPLOYEES PER 28 USCA App. § 301 et seq

PERSON REPORTING (LAST NAME, FIRST, MIDDLE INITIAL)
Nixon, Walter L., Jr.

COURT OR ORGANIZATION
U. S. District Court
Southern District of Miss.

REPORT DUE DATE
5-15-82

TITLE
U. S. District Judge

IF YOU ASSUMED OFFICE DURING THE PAST YEAR, STATE THE DATE OF ENTRY ON DUTY

If Report is for Period other than Calendar Year Give Period Below

HOME OR OFFICE ADDRESS
1204 Iola Road, Ocean Springs, MS 39564

DO NOT WRITE IN THIS SPACE

(X) This report includes information pertaining to my spouse and dependent children, if any. The following symbols may be used where applicable: (J) jointly owned by person reporting and spouse, (S) spouse, and (DC) dependent child. See instructions, page 5.

Please read the instructions accompanying this form. Sign this form on the reverse side. Attach additional sheets if needed, identifying each attachment by showing your name and the section being continued. Complete all parts. Check the NONE box when you have no information to report. Please type or print clearly.

I. NON-INVESTMENT INCOME *See Page 7 of instructions.*

SOURCE (and, for Honoraria only, DATE RECEIVED)	TYPE	AMOUNT (yours, not spouse's)
None ☐ Back Judicial Wages (Will v. U.S.)	Back Wages	10,010

II. & III. INVESTMENTS AND TRUSTS: INCOME (II) and VALUE (III)

DESCRIPTION OF ASSETS INCLUDING TRUST ASSETS *See Page 8 of Instructions*	II. Income (in excess of $100) *See Page 11 of Instructions*: Type of income	Income in thousands of dollars (check appropriate block): up to 1	1 to 2.5	2.5 to 5	5 to 15	15 to 50	50 to 100	100 +	III. Value *See Page 11 of Instructions*: Valuation Method (Use Alphabetical Code)	Value in thousands of dollars (check appropriate block): 1 to 5	5 to 15	15 to 50	50 to 100	100 to 250	25
None ☐ Professional Drug Company	Div			X					G				X		
Peoples Bank of Biloxi	NONE								G		X				
Nixon Enterprises, Inc.	NONE								E					X	
Gutierrez & Nixon - Partnership	NONE								D		X				
U.S. Treasury Notes	Int.	X							Sold	X					
Franklin Life Insurance Co.	Int.	X							F		X				
First Ms. National Bank Checking Acct.	NONE								C		X				
Oil & Gas Royalty Interest															
1. W.R. Fairchild Const. Co. LTD	NONE								A		X				
2. Geosouthern Energy Corp.	NONE								A		X				
3. Robert A. Stockett, Jr.	NONE								A		X				
4. Pattison Petroleum Corp.	NONE								A		X				

DESCRIPTION OF ASSETS INCLUDING TRUST ASSETS See Page 8 of Instructions	II. Income (in excess of $100) See Page 11 of Instructions								III. Value See Page 11 of Instructions						
	Type of Income	Income in thousands of dollars (check appropriate block)							Valuation Method	Value in thousands of dollars (check appropriate block)					
		up to 1	1- to 2.5	2.5- to 5	5- to 15	15- to 100	50- to 100	100 +	Use Alphabetical Code	1- to 5	5- to 15	15- to 50	50- to 100	100- to 250	25

Nixon, Walter L. Jr.

IV. GIFTS *None* ☒

A. Gifts of transportation, lodging, food, or entertainment. *See Page 13 of Instructions*

SOURCE DESCRIPTION

B. Other Gifts *See Page 14 of Instructions*

VALUE

V. REIMBURSEMENT *See Page 14 of Instructions*

SOURCE DESCRIPTION

None ☒

VI. LIABILITIES *See Page 14 of Instructions*

DESCRIPTION *(include identity of Payee or Creditor)*	Amount in thousands of dollars			
	10- to 15	15- to 50	100- to 250	2::+
None ☐				
The Mississippi Bank - Promissory Notes		X		
First Mississippi National Bank - Promissory Notes		X		
Nixon Enterprises, Inc. - Promissory Note		X		
Fairchild Construction Company - Promissory Note	X			

VII. TRANSACTIONS *See Page 15 & 16 of Instructions*

DESCRIPTION	DATE	SALE	PURCHASE	EXCHANGE	Value in thousands of dollars					
					1- to 5	5- to 15	15- to 50	50- to 100	100-	2::-
None ☐										
U. S. Treasury Notes	4-15-81		X		X					
U. S. Treasury Notes	11-30-81	X			X					
Overriding Royalty Interest W.R. Fairchild Const. Co. LTD - Leasee	2-25-81		X			X				
Oil & Gas Working Interest Geosouthern Energy Corp. - Leasee	11-06-81		X			X				
Oil & Gas Royalty Interest Robert A. Stockett, Jr. - Leasee	2-26-81		X			X				
Oil & Gas Working Interst Pattison Petroleum Corp. - Leasee	5-08-81		X			X				

VIII. POSITIONS *See Page 16 of Instructions*

POSITION	NAME OF ORGANIZATION
None ☒	

IX. AGREEMENTS *See Page 17 of Instructions*

DATES	PARTIES	TERMS
None ☒		

In accordance with the provisions of 28 U.S.C. § 455 and of Advisory Opinion No. 57 of the Advisory Committee on Judicial Activities, and to the best of my knowledge at the time after reasonable inquiry, I did not participate in any litigation during the period covered by this report in which I, my spouse, or dependent child or children had a financial interest in the outcome of such litigation.

I certify that all information given above is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

ATURE Walter L. Nixon Jr. DATE June 28, 1982

NOTE: Any individual who knowingly and willfully falsifies, or who knowingly and willfully fails to file this report may be subject to civil and criminal sanctions (28 U.S.C.A. App. 1, § 304 and 18 U.S.C. § 1001).

MAILING
THIS FORM

Judicial Officers and Employees mail original and one copy of this form to

Judge Edward A. Tamm
Judicial Ethics Committee
United States Courthouse
3rd & Constitution Ave., N.W.
Washington, D.C. 20001

Deliver one copy to the Clerk of the Court on which you sit or serve.

Judicial Employees not associated with a specific court, such as employees of the Administrative Office and the Federal Judicial Center need not file a copy with any Clerk.

DEFENSE EXHIBIT 41

... USCA App. 1 §301 et seq

PERSON REPORTING (LAST NAME, FIRST, MIDDLE INITIAL) Nixon, Walter L., Jr.	COURT OR ORGANIZATION U. S. District Court Southern District of Miss	REPORT DUE DATE 5/15/83
TITLE ief U. S. District Judge	IF YOU ASSUMED OFFICE DURING THE PAST YEAR, STATE THE DATE OF ENTRY ON DUTY	If Report is for Period other than Calendar Yr. Give Period Below
OR OFFICE ADDRESS 1204 Iola Road Ocean Springs, Mississippi 39564		

IMPORTANT NOTE: *Please read the instructions accompanying this form. The report is designed for and should include information pertaining to your spouse and dependent children, if any. Attach additional sheets if needed, identifying each attachment by showing your name and the section being continued. Complete all parts. Check the NONE box when you have no information to report. Please type or print clearly. Sign this form on the reverse side.*

DEFENDANT'S EXHIBIT 41

I. NON-INVESTMENT INCOME *See Page 7 of instructions.*

SOURCE (and, for Honoraria only, DATE RECEIVED)	TYPE	AMOUNT (yours, not spouse's)
None ☒		

II. & III. INVESTMENTS AND TRUSTS: INCOME (II) and VALUE (III)

DESCRIPTION OF ASSETS INCLUDING TRUST ASSETS *See Page 8 of Instructions.*	II. Income (in excess of $100) *See Page 11 of Instructions.* Type of Income	Income in thousands of dollars (check appropriate block) up to 1	1- to 2.5	2.5- to 5	5- to 15	15- to 50	50- to 100	100+	III. Value *See Page 11 of Instructions.* Valuation Method Use Alphabetic Code	Value in thousands of dollars (check appropriate block) 1- to 5	5- to 15	15- to 50	50- to 100	100- to 250	250+
None ☐															
rofessional Drug Company	Div		x						G				x		
eoples Bank of Biloxi	Div	x							G		x				
ixon Enterprises, Inc.	NONE								E					x	
tierrez & Nixon - Partnership	NONE								D		x				
ranklin Life Ins. Co.	Int	x							F		x				
il & Gas Royalty Interest:															
1. W. R. Fairchild Const. Co., Ltd.	Roy					x			A		x				
2. GeoSouthern Energy Corp.	Roy				x				SOLD						
3 Pattison Petroleum Corp.	Roy				x				A		x				
obert A. Stockett, Jr. (lessee) (Pointe Coupee Parish, LA)	NONE								A		x				
5. Fairchild-Windham Exploration	Roy	x							A	x					
CONTINUED NEXT PAGE)															

DESCRIPTION OF ASSETS INCLUDING TRUST ASSETS See Page 8 of Instructions	(I) Income in excess of $100 See Page 11 of Instructions								(II) Value See Page 11 of Instructions					
	Type of Income	Income in thousands of dollars (check appropriate block)							Valuation Method	Value in thousands of dollars (check appropriate block)				
		up to 1	1- to 2.5	2.5- to 5	5- to 15	15- to 50	50- to 100	100 +	Use Alphabetical Code	1- to 5	5- to 15	15- to 50	50- to 100	100- to 250 / 250+
st Mississippi National Bank (checking account)	NONE								C	x				
First Mississippi National Bank (IRAs)	NONE								C	x				
The Peoples Bank of Biloxi (checking account)	NONE								C			x		
~~Commonwealth Bank~~ ~~(money market certifica~~te)	~~NONE~~								~~C~~		~~x~~			

[illegible] JR.

IV. GIFTS *None* ☒

A. Gifts of transportation, lodging, food or entertainment. *See Page 13 of Instructions*

SOURCE	DESCRIPTION

B. Other Gifts *See Page 14 of Instructions*

		VALUE

V. REIMBURSEMENTS *See Page 14 of Instructions*

None ☒

SOURCE	DESCRIPTION

VI. LIABILITIES *See Page 14 of Instructions*

DESCRIPTION *(include identity of Payee or Creditor)*	Amount in thousands of dollars				
None ☐	10+ to 15	15+ to 50	50+ to 100	100+ to 250	250+
The Mississippi Bank -- Promissory Note				X	
Nixon Enterprises, Inc. -- Promissory Note		X			

VII. TRANSACTIONS

See Page 15 of Instructions

DESCRIPTION *(include identity of Other Party where applicable)*	DATE	SALE	PURCHASE	EXCHANGE	Value of Transactions in thousands of dollars *(check appropriate block)*						Capital Gains in thousands of dollars *(check appropriate block)*							
					1+ to 5	5+ to 15	15+ to 50	50+ to 100	100+ to 250	250+	None	up to 1	1+ to 2.5	2.5+ to 5	5+ to 15	15+ to 50	50+ to 100	[illegible]
None ☐																		
GeoSouthern Energy Corp.	11/10	x				x					x							

VIII. POSITIONS *See Page 16 of Instructions*

POSITION	NAME OF ORGANIZATION
None ☐	
Partner	Gutierrez & Nixon
Sole stockholder	Nixon Enterprises, Inc.

IX. AGREEMENTS *See Page 17 of Instructions*

DATES	PARTIES	TERMS
None ☒		

In accordance with the provisions of 28 U.S.C. § 455 and of Advisory Opinion No. 57 of the Advisory Committee on Judicial Activities, and to the best of my knowledge at the time after reasonable inquiry, I did not participate in any litigation during the period covered by this report in which I, my spouse, or dependent child or children had a financial interest in the outcome of such litigation.

I certify that all information given above (including information pertaining to my spouse and dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

S ATURE Walter L. Nixon Jr. DATE May 10, 1983

NOTE Any individual who knowingly and willfully falsifies, or who knowingly and willfully fails to file this report may be subject to civil and criminal sanctions (28 U.S.C.A. App. 1, § 304 and 18 U.S.C. § 1001)

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DEFENSE EXHIBIT 42

STYLE OF CASE

DIVISION

CRIMINAL ACTION NO. J83-00-S(N)
United States of America
v.
[illegible] Chico Patterson

JACKSON

APPEARANCES:
FOR PLAINTIFF(S)

[illegible] Barrett
Jerry A. Davis
Asst. U.S. Attorneys
P.O. Box 2091
Jackson, MS 39205

FOR DEFENDANT(S)

Robert W. Sneed
P.O. Box 2251
Jackson, MS 39205

DEFENDANT'S EXHIBIT 42

HEARING ON:

PRETRIAL: Hours Minutes

MOTION: Hours Minutes

X TRIAL: COURT Hours Minutes

X JURY 9 Hours Minutes

Issue Joined:

PLACE OF HOLDING COURT: Hattiesburg, MS
PRESIDING OFFICER: Honorable Walter L. Nixon, Jr., USDJ
COURT REPORTER: Robert L. Daniels, Jr.

DATE(S): March 10, 1983 9:30 a.m. to 12:00 p.m. 2:30
1:30 p.m. to 5:00 p.m. 3:30 6:

March 11, 1983 9:30 a.m. to 12:30 p.m. 3:

ACTION TAKEN:
JURY FOREMAN: Billy Charles Sibley. Jury retired to deliberate at 11:00 a.m.;
Verdict returned at 11:45 a.m.

JURY VERDICT: "WE, THE JURY, FIND THE DEFENDANT GUILTY."

SENTENCE: 20 years; right to appeal conviction. Motion for New Trial or to Set Aside the Verdict to be filed within 10 days.

DEPUTY CLERK: R. Capuano

EXHIBIT NO. D-42 EVID
CAUSE NO. H85-00012(L)
WITNESS —
PAGES 1

FEB 07 1986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Elane Scott REPORTER

DEFENSE EXHIBIT 43 A

DEFENDANT'S EXHIBIT 43A

WHITE-SPUNNER: This is ah SA K. P. WHITE-SPUNNER, JR., and the time is ah 3:40 PM. This is April the 19th, 1984, and I'm in the chambers of U. S. District Court Senior Judge WALTER L. NIXON, JR., Chief Judge WALTER L. NIXON, JR., ah with REID WEINGARTEN of the U. S. DEPARTMENT OF JUSTICE, and we're all knowledgeable and agree that this conference will be tape recorded.

WEINGARTEN: What, what is your relationship with WILEY FAIRCHILD, if, if you don't mind my asking.

NIXON: Well, the only relationship with him is ah I know him and have known him for some time and ah have ah made investment with him ah in ah three oil wells, three, three wells, and ah one is, two are producing, and one ah is ah not producing (unintelligible).

W: Is it fair to describe him as a friend?

N: Not a- Well, I don't know whether you'd call him a friend or an acquaintance. He's not unfriendly, but he's not a, a close friend-

W: Have you been to his house-

N: No-

W: Has he been to your house?

N: Definitely not-

W: Have you been to his business?

N: I've been there just in connection with this, yes.

W: Okay. How long have you known the man?

N: Well, I've known of him for years, but I really know him as well as I do now, I guess, for the last ah, well, about the time that I made this investment or shortly before.

W: Okay, why don't you just begin-

N: Shortly before-

W: How did the investment come about? Why don't we start there-

N: Ah CARROLL INGRAM, ah, ah-

W: Who is he, why don't we identify him?

N: He's an attorney in Hattiesburg. Ah CARROLL ah and I were talking, and ah I, ah- We got to talking about ah, I think ah investments in oil and gas of some production he had of something. And ah I told him I would be interested in ah, in ah investing some time, and, you know, and go with him on something if ah, with my own fair share, putting up my money, and if, if he found out that it might be, look promising, in, in order to supplement my income as United States District Judge.

(Answers telephone) Uh-huh. Okay. I'll ask these gentlemen to excuse themselves then for a minute. Would you excuse yourselves a minute, please, gentlemen (unintelligible).

W: Excuse-

WS: Uh-huh.

W: When we broke last, we ah, you explained to us how the, it was the evolution of ah your involvement with royalties-

N: That's right-

W: Please continue.

N: Well, that's about the size of it, and two of the wells were fine. The other one wasn't worth a darn.

W: All right, what were the circumstances that got you involved with Mr. FAIRCHILD?

N: Well, CARROLL INGRAM told me he was investing in them or investigating, and I think he, he ah apparently represents him, and I think they're real close friends, from my understanding, maybe some kin. I'm not sure. Senator INGRAM, former Senator CARROLL INGRAM.

W: Is he your lawyer, Mr. INGRAM, in any respect?

N: Is he what?

W: Has he ever represented you?

N: Oh, no, uh-uh.

W: Ah, did you actually meet with Mr. FAIRCHILD and discuss the ah-

N: Uh-huh-

W: Investment?

N: Yes.

W: Can you describe that?

N: Oh, not ah, in detail, except we talked about it. He's, he's a hard man to talk, ah understand really. He kinda talks sometimes in riddles, and I don't say that derogatorily or in a disparaging manner, but ah he just said well ah there are gambles- If I wanted to go with it, fine. And I told him well CARROLL recommended 'em, so I was willing to gamble. So I borrowed the money, and I invested, and ah instruments were executed (unintelligible).

W: Okay. Ah, where did this transaction take place, at his place of business?

N: I don't remember where it was finalized, but ah that's where we talked, yes, uh-huh.

W: Ah, generally speaking, what were the terms. What did you give and what did he give?

N: I think with the, it was broken down. If I had my records before me- It was ninety-five hundred dollars for the three.

W: Okay-

N: Investments.

W: Ah, do you remember when all this took place, the dates (unintelligible)-

N: No, I do not, but it was a few years ago. I say, maybe two or three.

W: Let me ah show you-

N: The instruments are recorded, and, of course, they speak for themselves-

W: Sure. The instruments ah, of course, are royalty fees-

N: Uh-huh-

W: I think I just have two. Why don't you take a look at these-

N: All right-

W: And see if these (unintelligible) with your- I'm, I'm sure they do, just to be formal about it.

N: (Unintelligible) Time flies. I guess that does figure-

W: Is that accurate? I mean, you're gonna- I'll, I'll explain to you in one second why the dates are important, but is it your recollection that you received those in February, 1980?

N: No, I don't remember exactly when. Ah, I would- I'd just be guessing. I don't recall.

W: Ah, as best you can-

N: I think the-

W: I know a million things have happened to you since February, 1980-

N: There have.

W: Ah, do you think four and a half years have passed since you received those deeds?

N: I don't know whether everything was finalized in writing at the time or not, or whether it was subsequently put into writing to, to, to, to comply with what had taken place. I don't recall, honestly.

W: Sure.

N: I honestly don't-

W: I know it, when you-

N: It was somewhat unorthodox though. I

recall that.

W: All right. What was unorthodox about it?

N: The, the whole deal- I mean, you know, the, what, the time between the, the whole discussion with him and the investment, and I didn't know whether it was ever paying off or what was happening for a while, and, and ah it started out very good. I think it was about, bringing about seventeen hundred dollars a month, and then now I think it's down to about eight or something like that. And one of 'em just didn't pan out at all.

W: Have you ever invested in oil and gas prior to this?

N: No.

W: So this was brand new.

N: It was brand new to me.

W: And, were you relying on the representation-

N: I say no. I think when I was practicing law some seventeen or eighteen years ago- I've been on the bench almost sixteen years. That was a, we supposedly had a producer, but our, my cost of the expenses was more than what I was getting out of it-

W: So that was unsuccessful-

N: And I thought I'd never do it again, but I-

W: Well whose counsel were you relying on as far as this investment?

N: CARROLL INGRAM.

W: Not Mr. FAIRCHILD?

N: No. I say, not ul- I guess ultimately I was, you know, but ah CARROLL just ah assured me that Mr. FAIRCHILD had been very successful in the oil and gas business, and he thought it would be a good investment.

W: Okay. Let me show you some promissory notes that-

N: Okay-

W: You've collected now.

N: Okay.

W: Ah, should be of some importance too. I believe there're three, and I think you've described what-

N: Okay-

W: Added 'em up to ninety-five hundred dollars, and that certainly is what those three documents add up to.

N: Okay.

W: It, to your recollection, is that, are those the documents?

N: Ah, I would assume so. That's my signature on them-

W: Sure. And again, the date is February, eighty.

N: That's right.

W: Is that when you incurred the liability?

N: I don't recall whether the liability was incurred- I say the liability- the word was given or, or, or the transaction was completed. I don't know whether it was simultaneous with this or not. That's why I'm saying it was something unorthodox about the- Because I was so busy. I don't know whether it was ever put into writing or exactly what did occur, frankly.

W: All right, the fact-

N: One of the, one of the biggest shortcomings and faults I have is I don't, I'm, I don't devote as much time to my business and financial affairs as I should because of my judicial duties, and that's been a real problem with me, I think.

W: Well, is, is there a possibility that in fact the transaction that is presently in your hand the, the purchase of these royalties occurred a year later in February, eighty-one?

N: Oh, no, it couldn't have.

W: Ah, do you remember any discussion of backdating the documents to February, eighty?

N: No, I don't recall whether there was or not. I, I think I would, but, but there was such a- I don't know.

W: To, in an effort to resolve this without troubling you-

N: Okay-

W: We received your financial disclosure report-

N: Uh-huh-

W: Which you filed with the court, like every other federal judge-

N: Uh-huh-

W: And every other congressman, and, and many federal officials, as a matter of fact.

N: Right.

W: Ah, the FAIRCHILD-

N: Including, including Mr. MEESE.

W: Including Congressman GEORGE HANSEN who I just prosecuted-

N: Oh, yeah, uh-huh-

W: (Unintelligible) The ah, what we noted is that the statement that you filed in eighty-one-

N: Uh-huh-

W: Reflecting your financial activity in eighty-

N: Uh-huh-

W: Does not include the FAIRCHILD business.

N: I don't know why it wouldn't. The CPA must not have picked it up. Did the following one reflect it?

W: The following does, I think-

N: Well I, I guess that's ah- My CPA, unfortunately, is deceased now. I could talk to him- CHARLES LOGAN. He died of a heart attack in, in his forties-

W: I hope not doing your business-

N: No, I hope not too. It wouldn't, my business wouldn't have taken him that-

W: All right, let me just explain-

N: (Unintelligible)

W: On eighty-two-

N: Uh-huh-

W: Apparently what happened is you filed the statement and you described oil and gas ah interests in general, and I guess Judge TAMM from the Judicial Ethics Committee wanted more specificity-

N: Uh-huh-

W: And then there are included the overriding royalty interests of W. R. FAIRCHILD CONSTRUCTION COMPANY, LIMITED, which, I presume, are those interests.

N: I would assume-

W: You have any other interests with FAIRCHILD?

N: No, no, no.

W: And it indicates that the date that-

N: The three wells, okay-

W: Right-

N: Okay-

W: The date that they were purchased was February 25th, 1981, not 1980.

N: I don't know, unless the wrong date is on here, year-

W: Okay-

N: I, I don't know. I- As I say, I don't recall eighty, or eighty-one, or what, but if they- I just don't- I frankly don't recall whether this is the correct date or, or what.

W: Okay, without suggesting any impropriety on your part, believe me, we're not suggesting that by this question, but we have reason to believe that in fact you incurred liability, and you received the royalty deeds ah well after February, eighty, the reflected time of those documents. I mean, is there a reason that you know of that that may have taken place?

N: Not that I can recall.

W: We have checked ah where the deeds are file-

N: Uh-huh-

W: And they are filed of record long after February, eighty, in fact, in some instances not until eighty-two.

N: Well, that would, I guess that would be my fault because-

W: I don't know, I'm not saying, I'm not suggesting it is-

N: Ah-

W: It could be someone else's fault-

N: I could have, I could have just overlooked it, or it could have been overlooked. I, I don't know, but I guess- Well, as I told you, I'm not the best businessman in the world, and because of the pressing judicial duties, many times I neglect my own personal financial affairs-

W: I mean, frankly what we're looking for is, is-

N: Frankly-

W: Of, for why this- If it in fact happened, why it happened, so that we can put this to rest.

N: Right. I don't know.

W: Would anyone know that we could- I mean, would CARROLL INGRAM know?

N: I don't know that. I could ask him.

W: Well probably, it- I mean, if we're gonna conduct the investigation, it'd probably be more wholesome if we do.

N: Well-

W: I mean, and, and I, I don't know-

N: That's your, that's your prerogative-

W: Sure, I understand. Ah, when you mentioned the word unorthodox, I thought perhaps the explanation was gonna follow as to why this would have occurred.

N: No, I don't recall one way- I, I really don't.

W: Do you recall when you started receiving royalties?

N: No, I do not.

W: Would there be records that would reflect that? I suppose there would be.

N: Sure, certainly.

W: I mean, we don't have the complete records, but we think you didn't start receiving royalties until eighty-two.

N: Well maybe- I don't know. Maybe these were- Maybe- As I said, the date may be wrong on these. I don't know.

W: Okay. I don't know if this will help or not. We pulled the royalty division order which, I suppose, triggers the, the payments. They reflected January 19th, 1982.

N: Uh-huh.

W: I mean, does that help anything?

N: I do seem to recall that there was some problem with the division or, or getting the division orders or something, and I don't recall what it was, very frankly.

W: Maybe this will help. When you, when you would receive your royalty payments, would they come from FAIRCHILD, or would they come from EXXON or TEXACO-

N: I think they came from FAIRCHILD.

W: Did that have anything to do with the problem?

N: I don't know, and I honestly, you know, I, I just don't know. If I knew, I'd certainly tell you.

W: Sure.

N: That's what I'm talking about. All the, when I say unorthodox, it, it was- The division orders came later or some reason. Ah, I don't recall whether it was the ah, but I think the checks were coming from **FAIRCHILD**, and they may have been- I don't know whether they were coming later or what, or whether-

W: Did they continue to come-

N: It was before-

W: I mean, is this an ongoing situation? Do you still retain-

N: Yes, yes-

W: Those interests?

N: Yes, I do.

W: Do you have a clue- As you sit here, what the total, ah, the total amount of money you received on the three wells?

N: No, I don't. It could be easily reconstructed though-

W: I mean, would it be considerably more-

N: All by check-

W: Than the ninety-five hundred dollars?

N: Oh, yes, by this time, certainly.

W: And is, is there an expectation that these will- I mean, I think you described one as a bomber, and-

N: There's a hope.

W: There's a hope.

N: There was an expectation, a very great expectation that it would continue to ah bring in the income it originally did.

W: Are all three wells-

N: That's, that's-

W: Stinkers or-

N: No, ah one, one was a bad one, and the other two were pretty good. That's what I said, but the, but I guess it's because of the ah industry in general, like the ah- I don't know whether they were ah, whether the production was cut back or whether no sale for the products, or exactly what it was, but ah the ah, the ah- I think I'm receiving now about half of what it was originally bringing, those two ah-

W: Okay, I mean frankly ah part of the allegation-

N: I was disappointed too-

W: Well part of the allegation was received was that it was a gross imbalance between what you paid for and what you received. Now do you have any comment on that?

N: No, I don't. That's, I, I'm not familiar with the oil and gas business, and I hoped that it would be a good business investment, and it has been a pretty good investment, ah one of the very few that I've made outside of my judicial, I mean, have made period-

W: Who-

N: That's ever paid anything.

W: Who would you say would have been the moving party to get you interested in these particular leases. Would it have been Mr. INGRAM-

N: Yes-

W: Or would it have been WILEY FAIRCHILD-

N: CARROLL INGRAM. He's the one I talked to about it and asked about it. I didn't have any, any dealings at all with or previous dealings or connections with WILEY FAIRCHILD.

W: And who would have selected- I'm sorry-

WS: No, go ahead-

W: Who would have selected the actual site- I mean, I'm sure you didn't know the actual property or visited the actual-

N: No, I didn't-

W: Property you purchased- Who was responsible for that?

N: CARROLL INGRAM. I guess. I don't know whether visited it or anything, but he told me that he thought it was a very good investment, and could guarantee nothing, of course. I told him I certainly understood that, and I knew it was a gamble, but I, I would ah, I would like to travel with it because ah I would, I am, was, and still am in dire need of supplemental income to supplement my judicial salary. I've got a daughter in college, and ah we've got four children at home now, ranging from seven to eighteen.

W: I know how difficult that is. Ah-

N: And that's, that's the reason.

W: Say, is it fair to say that you were relying on his recommendations?

N: Yes.

W: And the transaction turned out well, obviously.

N: That's right.

W: Our records reflect that the one, the note, the ninety-five hundred dollar note- It was not paid back until, or payments did not begin- I, it's all paid back now, is it?

N: Yes.

W: Did not, did not begin until eighty-two. Now the note, of course, is dated February, eighty, and we get back to this backdating business. Maybe, does that trigger some-

N: No, I, I don't recall.

W: When you met with FAIRCHILD, ah, did he make any representations about the well?

N: He didn't, nothing, not much of a-assurance at all. He thought they might be good. He thought they were, but he explained to me that it was a gamble, and I knew that already, of course.

W: Well the, I think the records will reflect that the note did not begin to be paid back until after royalties started coming in in eighty-two.

N: Right.

W: Was that part of the deal, that you would not have to pay back money until the oil wells started producing for you personally?

N: I don't, I wouldn't think so, no.

W: I mean, was it an arms-length transaction between you and FAIRCHILD?

N: Far as I know it was. Far as I'm concerned, it certainly was.

W: Did he have anything on his mind that he wanted with you-

N: You'd have to ask him because he's never asked-

W: I mean, did-

N: Anything that or demanded anything. Of course, anything to do with his son's case absolutely had nothing whatsoever, 'cause I don't, I'm not even aware of really what that's about. I think I read something in the paper one time about it since then.

W: Did you-

N: But if you can-

W: Detect anything-

N: If you can detect or know of anything at all where I ever had any connection with his son's case or the disposition of it or handling of it or anything to do with it, I sure wish you'd tell me, and I'll-

W: I, well, I-

N: Because there has-

W: I can assure you, we have no information to that effect-

N: There has, because there has been nothing.

W: No, I, I guess what I'm asking you is whether or not you detected anything untoward from either-

N: Abso-

W: Mr. FAIRCHILD-

N: Absolutely not. If I had, I'da pulled back immediately and wouldn't have had a darn thing to do with it.

W: Did you know at the time- Well, I guess INGRAM represents FAIRCHILD in certain matters?

N: I think so. They may be kin, but they're very close, and I mean he represents him, I know, and-

W: Did he represent his son at all in, in, in this or any other procedure that you know about?

N: I, I have, not, not to my- I have no idea. If I answer that one way or the other, I wouldn't be telling the truth because I don't know. I've never heard him mention it.

W: Could you give us just a rough figure as to the total amount of money you received from these wells?

N: No, but it's of record. It's all by check.

W: I mean, obviously, we can find it-

N: Sure, sure-

W: I just thought, thought you'd know-

N: I wish I could. If I had ah-

W: Sure-

N: The records here or tell you where they are.

W: Just so I can make sure I know- What, one-

N: All right-

W: I guess there's a Union oil well in what county would that be, KEN?

WS: Union oil well-

W: One in Covington County, and there's on in Mobile County, Alabama, and there was one in ah-

WS: Marion County-

N: Marion County-

W: All right, that would be the GETTY-

N: I think Covington was the buster, the bumber-

W: Okay, which, of the EXXON or the GETTY, the Marion County or the MOBIL well, which is Mobile, which was the better one?

N: They were both good, and they were comparable to begin with, and one's a little better than the other now. I think-

W: And which one of them-

N: I think it's Mobile now, but I'm not positive. I know they were-

W: But they're on the decline.

N: Well they, they've declined from the initial income, about ah half or less, much to my chagrin I'll say.

W: Sure. Do you recall, thanks- If you recall Judge TAMM's ah communication with you asking for specificity on the FAIRCHILD wells?

N: I remember some ah, ah in- Well, almost every year we get something back that-

W: Do you fill these out yourself, or do you have someone fill them out for you?

N: I had my CPA, CHARLES LOGAN, do them.

W: And I guess he supervised it, and you provided him with the info, and you check it?

N: Well, if the info was available, and, as I say I'm a poor businessman, and I don't take care of my own business as, as I should. I've been, I don't know why, but I, I guess it's because of the pressing duties of the office, really. It, it's, it's ah, it's surprising to a lot of people, but ah that's the way is-

W: That's a lawyer, that's a lawyer who's very familiar with the federal system, believe me.

I guess the obvious question that I have is did that communication with Judge TAMM and the requirement that you specify the wells more particularly than you had before trigger anything in you mind that would help with this question about the possible backdating?

N: (Unintelligible)

W: Do you recall ah-

N: I certainly would have never tried to ah hide anything. Everything I know of is of record.

W: I mean, frankly, Judge, the situation we have is this. The, the notes are dated February, eighty-

N: Uh-huh-

W: The deeds are noted February, eighty. By the objective evidence, including your financial disclosure statements, it appears that you didn't get involved in this until a year later, and it appears it took some time after that until you, you began receiving monies and until you paid back the notes.

N: Unless the wrong date was on 'em, I don't know. I really don't.

W: Who would have handled the papers. Who, would you have done it yourself, or would CARROLL INGRAM have done it or somebody else?

N: I think CARROLL handled the thing for me, the best of my recollection.

W: Just to-

N: But I wasn't in it with CARROLL. I just invested, invested-

W: Does he have oil and gas interests with Mr. FAIRCHILD?

N: I don't know for sure. I would assume it, but I don't know.

W: Would he have been the one who suggested to you that FAIRCHILD is a successful man and-

N: Certainly, right, and I knew of FAIRCHILD, but I didn't, I never did know he was in the oil business. I always thought he was in the contracting business only. And I, as I say, I think I had possibly met him before, but I didn't ah-

W: Do you recall, as you sit here, how many sit-downs you would have had with him concerning these specific leases?

N: No, I don't-

W: Would it, would-

N: It was more than one-

W: There have been more than one?

N: Yes.

W: Would they have taken place here or-

N: No, always at his office.

W: And would CARROLL INGRAM, on all occasions, have accompanied you?

N: I think CARROLL did one time. I think so.

W: But there were occasions when you sat down with the man, yourself, and discussed this?

N: Yes, uh-huh.

W: And was any other pos-

N: To the best of my recollections, I-

W: Was there any other possible business that you discussed with him other than these three wells? I mean, would-

N: Not to my knowledge. I certainly never discussed anything about his son's case.

W: All right, I mean legitimate business-

N: Not to my-

W: Investing somewhere else-

N: Ah, at one time he said he had another well that might be real good if I was interested in investing, and he'd be in touch with me, but he never has- It had to do with some- I forget what they call it. Had school in the name, school land profits- Something, some, something to do (unintelligible), but ah he never did ah get in touch with me on that.

W: Have you sought him out to get back involved in business?

N: Not to my recollection. I've talked to him very sporadically on the telephone, but ah-

W: Would it be in connection with your wells?

N: Yes, mainly, I wondered why the production had dropped, of course, the income had dropped, that is, but specifically what the situation was and what it looked like in the future-

W: All right-

N: With respect to the-

W: As best you can, when was the last time you spoke with him-

N: Oh, several months ago-

W: With Mr. FAIRCHILD.

N: Yeah.

W: As you sit here, do you have a recollection why ah the note would be dated February, eighty, and I don't think you-

N: No, I-

W: Began paying the note back until early eighty-two?

N: No, I really don't, honestly.

W: Was the payback prompted by FAIRCHILD in any way?

N: Well I, how do you mean, was it prompted-

W: Called up and said ah this note's outstanding. I want you to start paying back interest or some, something like that?

N: I don't recall. I don't recall whether it was. But ah-

W: Frankly ah-

N: I neglect my- I'm getting back on it. It sounds like a broken record- When I neglect my business so badly, my financial business, believe me.

W: Sure. Ah, frankly, ah BUD HOLMES' name has come up in this. Ah he was the DA who eventually received and took over-

N: Uh-huh-

W: The FAIRCHILD son's case, and ah what's your relationship with him?

N: Very good friend of mine.

W: Ah, business-

N: From way back. I remember the first time I met BUD. I was trying a, a civil damage suit in Harrison County Court, and the reason I remember it is he told a lot of people about it, and I was very successful (unintelligible), and he came in there as the, the jury was out or just about to go out. He came- I think I had a pretty good reputation representing a poor man, and ah he came in there, and he had a little case that he was trying to get settled. I think ah, I think RAY BRYANT was defending (unintelligible) one of the two, and they, BUD was telling me about him. He introduced himself and said that ah he didn't ah, ah they wouldn't pay him near what it was worth, and so I told him, well BUD, just go tell 'em ah I'm gonna help you with the case, and he did, and he got it settled, and he tried to give me part of the fee, and I wouldn't take it, and he said, he said-

π's lawyer

W: That, that's the lawyer with a good reputation.

N: Didn't, didn't, didn't know how much that he really appreciated that when he needed it so badly. From then on we've been very good friends, and I forgot about the incident until he told about it a few years ago, frankly.

W: Do you have any business relationships with him?

N: With BUD? No.

W: You're just good personal friends?

N: Uh-huh.

W: Ah, has he ever discussed cases with you while he was DA?

N: What kind of cases?

W: His cases, the criminal cases in his court.

N: I think a few murder cases we discussed.

W: Now, the obvious question, Judge, did he ever discuss the DREW FAIRCHILD drug case with you?

N: Not to my recollection. I think I would recall it-

W: Okay.

N: If he had.

W: Sitting here now, and I know it's a long time ago-

N: Uh-huh-

W: I tell you that ah, the airport bust was August, 1980. Ah, that, I tell you that originally the case was a federal case, got passed to HOLMES.

N: How did it get passed, what, what happened?

W: Well-

N: I don't know anything about it-

W: Frankly, that's-

N: I'm, I'm, interested. I'm curious-

W: Frankly, that's a very good question, and it's quite a ah, what we're looking at here. Ah, I think it's fair to say that with the present administration there's a strong policy toward the federal government sharing its cases with local prosecutors, spread the wealth around so that-

N: I see-

W: The federal prosecutors get interested-

N: I see-

W: And I know that the present U. S. Attorney has a strong predilection in that direction. Now it could very well be ah that ah HOLMES wanted the case for purely legitimate reasons. And certainly (unintelligible)-

N: Was it passed while he was district attorney?

W: Yes, and he received the case, and ah I tell you again to this day, it has not been resolved. Ah, do you have any recollection of discussing that particular case with BUD HOLMES?

N: No.

W: As you sit here, do you have any notion as to who represented ah FAIRCHILD's son?

N: No. I don't know, much less any recollection.

W: Okay.
N: I don't know to this day, and I don't think I've ever known.

W: All right, let me tell you that of record, and I don't know what this means, but of record is an attorney named PORTER who I think was killed a short time ago-

N: BOB PORTER-

W: BILL PORTER?

N: BILL PORTER, right, I'm sorry, yeah, yeah.

W: Ah, this same series of questions- Did you know Mr. PORTER?

N: Yes.

W: He was, he was a practicing attorney in Hattiesburg.

N: Uh-huh-

W: And-

N: I didn't know him well. He just sat in my courtroom, or, or my chambers. I don't think he ever tried a case before me. I didn't know him very well.

W: So you knew him like you know every other attorney in Mississippi-

N: Correct, or even less ah, ah, ah- I'm, I didn't know him nearly as well as I do some attorneys.

W: And, obvious questions, Judge, did BILL PORTER ever come to you and discuss DREW FAIRCHILD?

N: Definitely not, absolutely not-

W: All right, and did the U. S. Attorney ah ever discuss the ah FAIRCHILD case with you?

N: Absolutely not.

W: I have to get a little (unintelligible)-

N: I understand, but I-

W: So (unintelligible)-

N: You know-

W: From the time of that bust until ba-basically me talking to you about the case-

N: Uh-huh-

W: You've had no connection, no knowledge of it, no participation in-

N: Correct-

W: The DREW FAIRCHILD case?

N: Absolutely, except something I read in the paper. It was either an editorial or state, or, or news article or something, a few years ago, I think-

W: To what effect-

N: About this case. I don't know. It was critical of the way it was handled or something.

W: Critical of the ah prosecutors?

N: Of, of, of- I, I, it was critical of the manner in which it was handled, something about ah it should be handled differently or he should be prosecuted, something should be done or he was being favored, or something to that effect. It was critical of the way in which it was handled, I believe. I, I'm pretty sure that I read that in, maybe in a Hattiesburg paper while I was holding court up there. It could have been the Jackson paper. I (unintelligible)-

W: Do you have the clue if the criticism was directed to the feds or to the locals?

N: To the best of my recollection, I think it was ah, ah, I think it was directed to the locals, to the, to, 'cause I never did know it was a federal case. I didn't know it had ever been in the federal system.

W: Do you recall any knowledge of the case, meaning the FAIRCHILD case, while you were dealing with WILEY FAIRCHILD?

N: No.

W: And he certainly never brought it up?

N: Not to my recollection. I think I would recall that.

W: When you saw the article, did you put two and two together and realize that it was WILEY's son?

N: Yes, I think it stated it-

W: Even mentioned it?

N: Yes.

W: Is WILEY a prominent-

N: But I didn't remember the name. Even when you mentioned the name, whatever, what you say-

W: I think his real name is REDDITT-

N: I don't know-

W: And I think the people refer to him as DREW.

N: When you said the REDDITT FAIRCHILD, I didn't know what in the world you were talking about or who.

W: I think they call him that, and I think-

N: And I, I don't know him by any name. I don't know him, never met him, don't know what he looks like-

W: Never met him?

N: No.

W: Never saw him?

N: No.

W: Does he work with his father?

N: I have no idea. Didn't even know he existed, except from what I read about that and what you just told me. Absolutely no.

W: Okay.

(End of Side 1 of tape)

N: I think maybe payments were delayed or something and, and so I think the division orders- I asked why. I think I complained or, or asked about it. I think that's why the division order, so I get my check directly.

W: I think-

N: I should have been getting it-

W: I mean-

N: As a (unintelligible)- I wasn't familiar with the manner in which these things were done.

W: Let me help you as much as I can on that-

N: All right-

W: To, to my knowledge there was some communication between the FAIRCHILD and the oil companies as to whether or not you would receive your check from him or from them-

N: Uh-huh-

W: I think that took place in 1982.

N: Uh-huh-

W: In addition, I think with some of CARTER's ah tax changes, there was a question about how much would be going to shareholders.

N: I see.

W: And I think this took place in eighty-two and eighty-three, and it doesn't clear up the question, why, if you received your interest in February, eighty-one, as reported in your financial disclosure statement, the dead and the note would be backdated.

N: I don't know, unless there was some error.

W: Do you have any suggestions as to where we should go? I mean it's our earnest desire to clear this up-

N: No-

W: Just as expeditiously as possible.

N: I can't recall anything about that, really.

W: Do you, I mean, is CARROLL INGRAM the, the meticulous kind of lawyer who might remember this?

N: I don't know. I don't know.

W: Do you have documents somewhere? I mean, I, I suppose if ah- When you put down February, 1981, on the financial disclosure statement, obviously, you were looking at a document that reflected that date-

N: Well, my CPA did that. I don't like to set blame like so many people do on my CPA, but that, that's the truth.

W: Okay. Well, then surely he couldn't have pulled the date out of the air. He was taking a document that reflected February, eighty-one. My guess is-

N: Well, unless the, unless I started receiving the income then.

W: No, you didn't receive income until even a year after that.

N: Let's see-

W: I get, my point is-

N: I don't know where CHARLES got it from. He must have had a reason (unintelligible). I don't know. Again-

W: I mean, I guess what I'm, what might have happened is that your documents accurately reflect the February, eighty-one time when you actually got the interest, and others may have backdated this for their own reasons.

N: I don't know. I'm- I really don't know.

W: Perhaps ah, if, if- I guess your, your papers are with a banker friend?

N: Yes. I don't think I'd have anything different than any more than what you have except check copies ahd-

W: I guess my thinking is that if the dates on your documents are different than the dates on the documents that we have. That might help explain who would be responsible for this.

N: I don't know. I'll check and see. I'll let you know if they are.

W: Okay, perhaps I ah, I'm gonna go back to Washington, but perhaps KEN can-

N: Okay. I, I'll get those back, and it'll take me a few days.

W: I mean, I, our earnest desire is to wrap this end of it-

N: I understand-

W: Completely, and often times judges are victimized by others-

N: Yeah. Well, I don't-

W: I mean, you're a savvy guy. You know that this happens.

N: Well, I don't know about that part of it, but all I know is ah nothing was done or nothing was ever mentioned about WILEY FAIRCHILD's son, and I defy anybody to, and I say defy, I don't mean (unintelligible), but I challenge anybody to show any connection or anything I've ever done in connection with WILEY FAIRCHILD's son's case I certainly would (unintelligible) to begin with. And if I even suspected something like that was going on, I certainly wouldn't have ah invested or have any dealings, absolutely.

W: Is there anything else about the transaction ah that just, on the top of your head, you could think of that may help us in this?

N: No, but why, why, how would my name come up, and how did it come up? That's, I think that's a fair question, that I had any kind of connection with WILEY FAIRCHILD's son's case?

W: Well, I, I, I knew as an intelligent, curious judge, you were gonna-

N: Sure-

W: Ask me that. Judge, it's a confidential informant. I mean, obviously, I mean, you've been in the system long enough to know that the FBI is duty bound not to reveal that kind of information. I can only tell you w receive these allegations all the time, and you know, we can't-

N: Well what's the allegation?

W: The allegation is that the FAIRCHILD case was mishandled, number one, and in the course-

N: By whom?

W: Well, that's loose, frankly, and, and we're obliged by the information to look at it from top to bottom, from the bust in August, 1980, until today. And that's, generally speaking, the allegation, and in the course of receiving the information, it was alleged as well that there was a, a, a transfer of property, an imbalance transfer of property to you from WILEY FAIRCHILD. That's the sum and substance of it.

N: Well (unintelligible) imbalance-

W: Imbalance in the sense that you turn- ninety-five hundred dollars from you to him and considerable more in the form of the royalty payments from him-

N: Well, I hope so. If it's a good investment, if you just get your money back, it's not a very good investment. Of course, a lot of people don't get their money back even, but ah I had assumed that when I invested I would make some money or I wouldn't have done it.

W: Sure. In the course of your dealings with Mr. FAIRCHILD-

N: I knew it was a gamble-

W: In the course of your dealings with Mr. FAIRCHILD, was there ever- Did, did you detect anything that caused you any ah concern?

N: Of what kind?

W: Ah, that, fair business practices or that perhaps in his mind he had an intention that didn't match yours in this business transaction?

N: No, if I had I, I wouldn't have invested with him.

W: And to this day and-

N: (Unintelligible)

W: In the course of your dealings it's, it's always been, your answer has always been the same?

N: Sure.

W: KEN.

WS: I, I had a question-

N: All right, sir.

WS: Going back- It, it may have been covered, really. When you first met with ah CARROLL and discussed anything, did he contact you first, or he (unintelligible)?

N: No, no.

WS: You went to him?

N: Yeah, I asked CARROLL one time. Ah, I, I said CARROLL if you run across any good investment of any kind- I didn't say oil and gas or anything-

WS: Uh-huh-

N: That you think may pan out, and I knew CARROLL was pretty good, I thought, businessman, from what I understood, and I knew he invested in properties and what have you. I said if there's room for investment, I said I want it to be above board and all (unintelligible). If you think that there's something there that I can make some money out of, income, either by investing in a piece of property and selling it later or any kind of income, any, any kind of investment. I may have mentioned oil and gas, among other things. I don't know. I said ah I wish you'd let me know because I'd be most interested in, in, in trying to invest in something where I could make a little money. It's- No, he didn't approach me at all, definitely not.

W: Judge, here's one thing I wanted to ask you about. On your eighty-three financial disclosure statement, the FAIRCHILD CONSTRUCTION COMPANY, LIMITED, interests are represented. The value is listed five to fifteen- I guess the value meaning how much you spent for it. Would that be what that reflects? You know what I mean here? Maybe I can show you. Okay here's the, the FAIRCHILD CONSTRUCTION LIMITED, and I guess this is the second one. That's not the very good- That's the one that's ah less than a thousand dollars.

N: My CPA filled this out for me. I don't know. He was a good CPA. I had a lot of faith in him, and ah frankly, I've never, you know, just didn't know how you were supposed to evaluate the-

W: Okay, well-

N: Something of that kind-

W: Do-

N: I can understand property, how you would evaluate that, piece of real estate or something like that, or stock that you might own-

W: Sure-

N: But ah I don't know still, frankly, how you would evaluate an oil and gas interest.

W: Well that, obviously that was my question-

N: Yeah-

W: And my guess was when you put value down five to fifteen, you were referring to the purchase price, or if not the purchase price, the, the ah, the-

N: I don't know-

W: Notes that you signed-

N: I don't know what CHARLES relied on when he entered that.

W: All right, and I guess-

N: I say CHARLES, CHARLES LOGAN, my CPA.

W: Obviously the, the question that was raised is the income is indicated between fifteen and fifty, and the value is between five and fifteen. It struck me how could that possibly be?

N: I don't know, frankly. I hate to be so dumb, but ah I don't know.

W: Ah, I know that you were not prepared for this interview, and I know we're asking you about events-

N: (Unintelligible)

W: That took place a while ago. Is there anything else that you know about this that should know-

N: Not that I can think of offhand because, you know, some time ago. Ah, I still would like to know exactly what it is alleged that I'm supposed to have done or not done in connection with this ah-

W: Well, frankly, we have no information that you-

N: You know-

W: That the case was in your court, that you did anything wrong with it- What we have-

N: That's, that's what puzzles me. How-

WS: It was in Judge COX's court.

N: I see. Maybe Judge, maybe you oughta ask Judge COX (unintelligible)-

W: Well, he was never indicted. No, not Judge COX, believe me, Judge COX was never indicted. You would have heard about that.

N: (Laughter) No, but ah-

W: The other defendants in the ah, that were busted at the airport were assigned to Judge COX. They pled guilty. They were sent to prison. DREW FAIRCHILD was never indicted. His case got picked up by HOLMES, as I explained.

N: Why was it-Do you have any idea?

W: Well, that-

N: Was it presented?

W: No, it was not presented.

WS: There was a, he reached a ah memorandum of understanding with the U. S. Attorney. (unintelligible) So far as to arrive at that-

N: Uh-huh-

WS: And, along with his attorney, BILL PORTER, that was on November 19th, 1980-

N: Uh-huh-

WS: And the next significant thing that happened is he's indicted by a Forrest County Grand Jury in August of 1981. Some time between November of 1980 and August of 1981, that case, on DREW FAIRCHILD and another defendant who was a fugitive, was passed down to BUD HOLMES for handling.

W: Believe me. At this point we're not suggesting that there was impropriety in the U. S. Attorney's office or that there was impropriety by Mr. HOLMES. I mean, we have an allegation, and always in these cases are fervent hopes that there's a logical, reasonable, legitimate explanation for all of these events. And, and we're at the inception of it, and one of the reasons we came to you is because we're not gonna be scurrying around your neighborhood and not tell you about it-

N: Right. Well I'm puzzled. I, I just don't know anything about it. I, I'm, I'm, I'm learning something about it now.

W: Okay, so I'm- Just to complete the picture-

N: That's what I was, that's what I wanted to ask you, what allegation- I've never heard, you know, never had the case, never heard about the case except what I told you, and ah certainly had nothing to do with it.

W: Sure. To complete the picture-

N: I don't think I could have influenced Judge COX. Do you? (Laughter) I don't think. Think maybe Mrs. COX, maybe, maybe.

W: Just maybe.

N: Maybe-

W: Well anyway-

N: And certainly, but, but, but seriously, I, I, it's, you know, it's just ludicrous to say I've had anything to do with this thing.

W: Well, Judge COX never had DREW's case, just so we're clear on that. The case was never indicted. He had all the co-defendants.

N: Oh, he never was indicted?

W: He was never indicted federally.

N: That's what I'm talking about.

W: When the case got transferred to the DA's office in Hattiesburg, he was indicted-

N: Well, it was never presented to the Federal Grand Jury.

W: Right-

N: Well, that's what I asked awhile ago-

W: Right-

N: Was it ever presented. I meant the federal grand jury-

W: No-

N: Obviously you said he was indicted in the state-

W: Yes, right. It was never presented federally-

N: I see.

W: And he pled guilty in January, eighty-two-

N: Uh-huh-

W: In December, eighty-two, eleven months later, the case was passed to the files, ah it's returned the file, from files to the active list, and he's never been sentenced. And of course now it's April, eighty-four.

N: Uh-huh-

W: You don't have to be a genius or a, a particularly sophisticated FBI Agent to wanna know why a case from August, eighty- has never been resolved to this day ah when the evidence appears to be extremely strong. That's the focus of the allegation. In addition, we received information from the same source that ah- I don't wanna use the word sweetheart, but the word imbalanced financial relationship developed between this Mr. **FAIRCHILD**, **DREW's** father, and you, the chief judge of the district-

N: Uh-huh-

W: So here we are. Okay-

N: I don't know what influence the chief federal, dis-U. S. District Judge could have with this case. When, when-

W: Well, he-

N: When was, when was it transferred to the state? I mean when was it presented to the state or when was he indicted?

W: August, eighty-one-

WS: Eighty-one-

N: August of eighty-one?

W: Right.

N: And it was in the federal system when, originally, when did-

W: August, eighty-

WS: August of eighty.

N: Okay.

WS: It was still in the federal system on November 19th, 1980, and it was some point after that it was transferred down to-

N: How was it transferred? I don't understand-

W: Well, that's- Transferred- And this, I, I, I'm hopeful, and there's a reasonable expectation that the answer is simply that ah the U. S. Attorney and U. S. Attorneys elsewhere in the present administration-

N: Uh-huh-

W: Welcome the opportunity to share their cases-

N: Well, I understand-

W: And that may well have happened here-

N: Uh-huh-

W: And we're gonna pursue it if, if we possibly can. Judge, the backdating- I mean, I'm sure as an intelligent man, you can perceive the importance now. If you entered into a business relationship with **FAIRCHILD** in February of eighty, as the deeds and the note reflect, that took place before the bust.

N: Uh-huh.

W: If you took, entered into the relationship in eighty-one, it took place after the bust. People can draw any conclusions they want from that, but that's the chronology. That's why we have to get to the bottom of when things occurred.

N: I understand, but regardless, what connection have I had with ah FAIRCHILD's son's case? Isn't that the bottom line?

W: It, it basically-

N: I mean-

W: Could well be the bottom line.

N: Yeah, what, what-

W: And that's why-

N: Could I have conceivably done?

W: Well, that's why I had to ask you-

N: To influence the case? Ah, I certainly didn't do a thing in the world. I don't know a thing about- But what could I have done?

W: Well, I mean, I don't know what you could have done. I mean it-

N: As United States District Judge.

W: If someone wanted to use their imagination, I suppose they, they could think of things, and, and I, that's why we ask you the question did BUD HOLMES ever talk to you about the case?

N: Oh, no.

W: The answer is no. Did CARROLL INGRAM ever ask you about the case. The answer is no.

N: Right.

W: And did ah WILEY FAIRCHILD ever ask you to do anything.

N: No.

W: The answer is no. I, I think it's still a healthy procedure to get to the bottom of this document business, and if you would be kind enough to do it-

N: If I have, find anything that would be any different from this, February of eighty-

W: Right-

N: I'll call you.

W: And, and my guess is, my- Judge, I, I think my guess is if your accountant is looking at documents, and he puts down on your financial disclosure statement that you purchased this in February of eighty-one. It's reflected on a document, and it could be, unbeknownst to you, that backdating is going on.

N: Why?

W: To reflect a transaction that took place before, before the bust, before the drug bust. In some people's mind-

N: But what-

W: That may be important.

N: I don't know why-

W: Well-

N: To who?

W: I don't know either-

N: For what reason-

W: And at this point, all we would be doing is speculating, without evidence to support it-

N: Yeah-

W: So it's probably not a healthy thing-to do, but I mean, I, I, I think-

N: Okay-

W: At this point we should-

N: I'm just puzzled, ah, to say the least.

W: Well, we're puzzled too.

N: Yeah.

W: Okay. Well, okay, then. Then here, here's the way we'll resolve it. If, if there are documents-

N: I, I'm just wantin' to know what, what's a, what's alleged that I had to do with this case at all. I mean, what, what-

W: Well, I tell you this. We have no information from any source that in any untoward way you effected the disposition of the case. I mean, that says it all, doesn't it?

N: Yes. I hope so because it's the truth, but, you know, that, that's what puzzles me. What, what allegation could have been made? Ah, that's, that's why I asked you. This is something, you know, just completely shocking to me.

W: Sure. Well let, let, let's resolve it this way. If ah, if there are documents out there to helps us, and you can provide them, that would be great.

N: I understand. Well, I'll be happy to if I've got any.

W: If there's a resolution of this that ah I can share with you, you'll be the first to know, the way I came to you, as soon as I possibly can.

N: Okay.

W: Okay.

N: Fine. But I'd like to know myself.

WS: (Unintelligible)

W: I'm sure you're very curious about it. I'm sure this, and it's-

N: Most certainly-

W: I can certainly understand that. And, obviously, we'll provide you a copy of this-

N: Okay.

W: Put it on, in the drawer and hopefully not have to refer to, but just so that you have it.

N: Okay.

W: Okay?

N: All right.

W: Thank you for your time, sir.

N: You're welcome. Enjoy Biloxi.

WS: Nice seeing you, judge.

N: Okay, good seeing you, yeah.

WS: The time is 4:42. The interview is terminated.

END OF TAPE

DEFENSE EXHIBIT 44

SEE GOVERNMENT EXHIBIT 1